

Mary Smith, Lawrence NOW, said she is against the bill for the same reasons as all the previous conferees. She said politicians need to stay away from the abortion issue. (No written testimony)

Written testimony from Marian Shapiro, LMSW, Hays, KS, was distributed to Committee members. (Attachment #7)

In response to Rep. Dahl, Barbara Duke said a child should get parental consent to go to the movies and to go on a trip.

Leah Gagne responded to numerous questions from Committee members. She did not know if it was the State's infringement on a minor's right of privacy. She commented she had not done research prior to testifying, but was only here to give personal experiences. Under current law if a child wants to have a tattoo, tummy tuck or ear piercing they need parental consent. She said that consequences are not as life altering from a tattoo as from a baby. She said it is more than a medical choice, but a life's choice to have an abortion. She said the average judicial by-pass she works with takes two to three weeks. She did not know if Missouri also has the financial responsibility because she is not involved in that area. She did not think that young women take matters into their own hands if there is too much red tape, but that it only causes more stress. Her clients are from Planned Parenthood referrals. It is not usual to have victims of incest. Her clients are not "smart". They do not know about their choices until after they are pregnant. She advocated education before the fact. She feels the woman should make the choice, not the unborn baby. She only had one client where the father of the baby came with the girl.

Reyner said in response to Rep. Klein that a parent should have the right to stop children from having an abortion, but they should not have the right to force them to have one.

In response to Rep. Dahl, Barbara Holzmark said she did not represent Orthodox Jewish members.

The hearing on **HB 2405** for opponents was closed.

At the request of Rep. Klein, Rep Burroughs made a motion to introduce three bills. Rep. Ruff seconded the motion, and the motion passed. The bills were (1) prohibit a parent giving a child alcoholic beverages on government properties, (2) disallowing liquor licenses for anyone who failed to file a State tax return or who is not current on taxes and (3) holiday sales.

Rep. Gilbert made a motion to introduce an amendment proposal to the constitution to allow church groups and non-profit groups to conduct some gambling activities. Rep. Peterson seconded the motion. The motion passed.

Rep. Vining made a motion to hold harmless gun dealers and manufacturers for the cause of death. Rep. Mayans seconded the motion. The motion passed.

The meeting adjourned at 2:55 P.M.

**HOUSE FEDERAL & STATE AFFAIRS
GUEST LIST**

DATE: 2-15-99

NAME	REPRESENTING
Darlene Green Stearns	League of Women Voters Ks
Barbara Duke	Kansas Choice Alliance
Julia	CHIPKIN
JESSICA TRAVIS	NOW
Mary Smith	NOW
Barbara Holmbeck	YKE Section NAT'L Council of Jewish Women
Maurie Williams	Governor's Office
Cleta Penyer	Right to Life of Ks
Bruce Dimmitt	Kansans for Life
Jeanne Gawzlon	KFL
Barbara Saldivan	KFL

The Kansas Choice Alliance

February 15, 1999

Testimony of Barbara Duke, President, Kansas Choice Alliance,
902 Pamela Lane, Lawrence, KS 66049
785-749-0786, E-mail: BarbaraDuke@compuserve.com

Representative Wagle and Members of the House Federal and State Affairs
Committee:

My name is Barbara Duke. I am president of the Kansas Choice Alliance or
KCA. KCA is a statewide coalition of 20 diverse organizations dedicated to ensuring
access to a full range of reproductive choices, including a woman's right to choose
abortion, and to the promotion of comprehensive reproductive health care and human
sexuality education. My own organization is the American Association of University
Women (AAUW). Others are listed on our letterhead.

I speak to you today on behalf of all KCA member organizations in
opposition to House Bill 2405. Our reproductive rights rest on the right to privacy
guaranteed to every American. Legislation which requires parental consent for a
minor to terminate an unwanted pregnancy is an unwarranted intrusion into the lives
young women and their families. Parental consent requirements imply that a young
woman who is too immature to make an abortion decision may be mature enough to
raise child.

In a perfect world, our teenagers, both male and female, would be open and
honest with their parents about their sexual behavior. Realistically, we know that
they seldom are. While most teenagers considering abortion need their parents help
and will talk to them about their decision, some cannot or will not do so. They may
fear physical abuse, violence between their parents, or being thrown out of the house.
If the pregnancy is the result of incest, can you imagine discussing it with parents?

The American Medical Association states that because "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."

(over)

House Fed + State
Attachment #1
02-15-99

Aid for Women
American Association of University
Women - Baldwin Branch
American Association of University
Women - Kansas Branch
American Association of University
Women - Shawnee Branch
American Civil Liberties Union of
Kansas and Western Missouri
Choice Coalition of Greater Kansas
City
Greater Kansas City Chapter of
Hadassah
Jewish Community Relations
Bureau/American Jewish
Committee
Jewish Women International
Kansas Religious Leaders for
Choice
KU Pro-Choice Coalition
League of Women Voters of
Johnson County
League of Women Voters of Kansas
League of Women Voters of
Wichita-Metro
MAINstream Coalition
National Council of Jewish Women,
Greater Kansas City Section
National Organization for Women,
Johnson/Wyandotte County
Chapter
National Organization for Women,
Kansas Chapter
National Organization for Women,
Kansas City Urban Chapter
National Organization for Women,
Manhattan Chapter
National Organization for Women,
Wichita Chapter
Planned Parenthood of
Kansas & Mid-Missouri
Pro-Family Catholics for Choice
Wichita Family Planning
Women's Health Care Services
YWCA of Wichita



Petitioning a court for judicial authorization for an abortion can be a formidable obstacle. Many young women do not want to reveal intimate details of their personal lives to strangers. Court scheduling practices combined with other factors can result in a delay of a week or more.

Further, judges who are anti-choice 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.

The American Medical Association concluded in a 1992 study that parental consent and notice laws "increase the gestational age at which the induced pregnancy termination occurs, thereby also increasing the risk associated with the procedure."

While early abortion is far safer than childbirth, the risk of death or major complications significantly increases for each week that elapses after eight weeks.

In 1989 Supreme Court Justice Harry Blackmun expressed his fear that allowing the government to intrude farther and farther into the private realm of decisions about reproduction "casts into darkness the hopes and visions of every woman in this country who had come to believe that the Constitution guaranteed her the right to exercise some control over her unique ability to bear children."

We urge you to confirm the privacy of decisions about reproduction, and to recognize the possible tragic consequences of parental consent requirements by rejecting H.B.2405.

Thank you.

1-2

February 15, 1999

Testimony of Barbara Holzmark, Kansas Public Affairs Chair,
Greater Kansas City Section, National Council of Jewish Women
8504 Reinhardt Lane, Leawood, Kansas 66206
(913)381-8222, Fx: (913)381-8224, E-mail: bjbagels@aol.com



Representative Wagle and Members of the House Federal and State Affairs Committee:

My name is Barbara Holzmark. I am the Kansas Public Affairs Chair for the Greater Kansas City Section of the National Council of Jewish Women. We are only one of 200 sections across the country, nearly 1000 members in the metropolitan K.C. area. Founded in 1895, we are the oldest Jewish Women's organization in the country, with a Mission of working through volunteerism in the General as well as the Jewish community, to improve the quality of life for women, children and families and strives to ensure individual rights and freedoms for all.

I am in opposition to HB 2405, an act concerning abortion, relating especially to parental consent prior to an abortion.

NCJW believes in choice and the protection of every "female's" right to choose abortion and the elimination of obstacles that limit reproductive freedom. Abortion is only one reproductive choice, as is birth and adoption. Why should we single out a female under a certain age, let alone necessitate the obstacle of consent by a parent or guardian. In Kansas, we notify them now, isn't that enough? Where is the expedited procedure if a judicial bypass is chosen? Such delays often send the female into another trimester, at which point, further obstacles come into play. What is really underlying in HB 2405 is that the author of the bill wants to encourage a young woman to carry a fetus to term when it is a proven fact that a safer scenario is always an abortion. To examine "medical emergency", means that the female may "choose" not to tell a parent to the point that taking her pregnancy in her own hands may cause a medical emergency which could cause her death or create serious risk to her life. Where is the "health exception" to the risk of her life before a medical emergency must exist? Is this bill even constitutional? Why are you considering restricting further, an unemancipated minor's liberties and rights? Is she old enough to carry to term and become a "minor parent", or too young to be able to choose the safe and legal procedure of abortion? Who are you to define "unemancipated minor" as any minor who has never been married or freed from the care, custody and control of that minor's parents? Do all minors live at home? I only ask these questions to point out that any further restrictions on a female's choice to a safe and legal abortion or her choice of being a "minor mom" should be her choice. Doesn't she need Parental Consent to carry the fetus to term? The N.C.J.W. believe that all females are entitled to their own reproductive choices. A parents consent is not necessary when they are already notified. I urge you to consider the minor who will be the ultimate "adult" with whatever decision she is allowed to choose. I urge you to defeat HB 2405. Thank you.

House Fed & State
Attachment #2
2-15-99

LWVK LEAGUE OF WOMEN VOTERS OF KANSAS

919½ South Kansas Avenue

Topeka, KS 66612

(785) 234-5152

TO: HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE
RE: HOUSE BILL 2405
DATE: FEBRUARY 15, 1999

Madam Chairwoman and Members of the Committee:

I am Darlene Stearns, registered lobbyist for the League of Women Voters of Kansas. I appear today in opposition to House Bill 2405.

The League of Women Voters has for many years been active in support of a woman's right to abortion. Before and after Roe V. Wade we have consistently supported that right.

By requiring a minor woman to obtain consent for an abortion from a parent or guardian, HB 2405 places a serious obstacle to the desires of the young woman. Obviously that is the reason for this bill, but consider the situation. It is entirely possible the minor fears telling a parent or guardian if she needs to reveal the person who impregnated her. Her fear of revealing that name may persuade her from seeking consent making it even more possible that attempts to obtain a judicial by-pass will be delayed. It is reasonable to assume the minor could find a willing relative, friend, counselor or teacher who could help her. A young woman facing an unwanted, and even perhaps a pregnancy resulting from rape or incest, quite possible is intimidated and frightened enough without being forced to obtain consent from a parent or guardian.

The League supports the right to choose an abortion for all women. This right is especially important for a young woman who may not have support from her family or a court appointed guardian.

We ask this committee to oppose this bill.

Darlene Stearns

*House Fed + State
Attachment #3-1
2-15-99*

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PRESIDENT/CEO
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Testimony of Erika Fox,
Vice President for Public Policy,
in opposition to
House Bill No. 2405
before the
House Federal and State Affairs Committee
of the Kansas Legislature
on February 15, 1999

House Fed + State
Attachment #4-1
2-15-99

Good afternoon. My name is Erika Fox. I am the Vice President for Public Policy for Planned Parenthood of Kansas and Mid-Missouri. Thank you for this opportunity to speak to you about our opposition to House Bill No. 2405. Our not-for-profit organization offers sexuality education, advocacy opportunities, family planning services and a number of surgical services--including abortion—to Kansans and Missourians in thirteen locations. We have recently initiated special teen clinics in several of our family planning centers.

Planned Parenthood works hard to convince minors that they should consult with their parents about all issues of sexuality and their health care. However, Planned Parenthood's extensive experience in providing information and medical services to young people undergirds our opposition to legislated parental involvement mandates for many of the reasons you will probably hear from others today.

But the State of Kansas has already chosen to enact a law governing the ability of minor's to obtain an abortion. We comply with that law and have learned to work within it to provide the best possible outcome for teenagers who choose to have an abortion. That law already contains a parental notification requirement. As this type of law goes, Kansas's current law is strict but also constitutional and compassionate. It is clear that legislators, in 1992, carefully balanced several interests, including: a desire that the minor receive counseling and sufficient information to give informed consent; a requirement of parental notice; concern for the health and dignity of the minor; and a guarantee of sufficient due process to make the law constitutional and the bypass procedure workable.

In contrast, HB 2405 appears to be unconstitutional and mean-spirited, and in direct conflict with a desire to protect the health and well-being of young women. The change from a parental notification to a consent requirement in HB 2405 is puzzling. What protection does consent provide that notification does not? It is harder for a variety of reasons for minors to comply with consent requirements and so such a requirement will force more minors to bear children against their will, require more teens to seek a bypass, and result in more delayed abortions—thereby increasing costs and risks.

But other proposed changes in the law are perhaps even more troubling. Current law provides exceptions to the parental or judicial consent requirements in situations that threaten a minor's health and safety. HB 2405 does not. The emergency exception in New Section 2, subsection (b)(1) applies only to situations in which an abortion is necessary to prevent the

pregnant female's death. HB 2405 also eliminates the exception in current law for situations where the father of the fetus is the parent or guardian entitled to notice.

Section 5 of HB 2405 inexplicably repeals K.S.A. 65-6704, that section of current law which assures that a minor receives specific information and counseling in a manner that can be understood by the minor and allows opportunity for her questions to be addressed. That section also currently requires that parent, guardian or interested adult over the age of 21 accompany the minor to counseling and be involved in the minor's decision-making process.

New Section 4 relieves parents or guardians of financial responsibility for costs of treatment related to complications if the minor has an abortion pursuant to a judicial waiver. This section could seriously delay treatment of complications at a hospital emergency room while the institution figures out who is going to pay for their services.

And, finally, the judicial bypass procedure outlined in New Section 2 eliminates many of the benefits and protections currently afforded minors in K.S.A. 65-6705, including: assistance in preparing and filing the application, anonymous court proceedings with several assurances that the court will ensure confidentiality; issuance of an immediate written order; automatic waiver if the court fails to rule in 48 hours and perfection of appeal within five days. The elimination of these provisions guaranteeing a confidential and expeditious bypass procedures may create constitutional problems for the State.

Planned Parenthood urges this Committee and the Kansas Legislature to study HB 2405 very carefully and to opt to maintain its current law relating to minors who seek abortions. HB 2405 is a cookie-cutter approach that eliminates many of the law's current protections for young women in a difficult situation.

Thank you.



214 S.W. 6th Ave., Suite 208, Topeka, KS 66603-3719 - Phone 785-233-8601

Testimony, H.B. 2405, House Federal and State Affairs Committee 2/15/99

I am testifying for Right to Life of Kansas, we have several concerns about House Bill 2405. I feel like we are turning back to clock to the 80's when *consent versus notification* was the subject of much debate and testimony. We testified against "consent" then just as we do now.

Line 29 on page 2 gives a parent of a pregnant minor the right to approve of an abortion and terminate the life of a "fetus", defined on page 1 line 35 as "any individual human organism. "Organism" is defined in Webster's Collegiate Dictionary as "any living thing." A human organism is a human being! One of the definition of consent in Webster's Collegiate Dictionary is "compliance in or approval of what is done or proposed by another." Kansas Statute 21-3401 reads "Murder in the first degree is the killing of a human being committed intentionally and with premeditation." This bill gives one of the grandparents the right to give approval to the murder of a grandchild. Since the state has no right to condone or take part in the destruction of the life of an innocent human being, under what authority can it attempt to give this right to someone else?

The same can be said of the "judicial by-pass" provisions which begin on page 2 line 36. This provision gives the judges of Kansas authority they simply do not have and under the Kansas constitution and laws cannot have.

Another concern is New section 4 on page 5 line 35. If this law is to pass who will be financially responsible for the costs of the abortion and related complications since parents are relieved of this responsibility? The doctor? Or would this require the taxpayer to foot the bill for murder? We believe this issue needs to be further addressed before it becomes part of Kansas law.

Respectfully,

Cleta Renyer

House Fed & State
Attachment #5
2-15-98

**STATEMENT IN OPPOSITION
TO HOUSE BILL 2405**

BEFORE THE COMMITTEE
ON FEDERAL AND STATE AFFAIRS

by
JESSICA TRAVIS
REPRESENTATIVE AND LOBBYIST
FOR THE
KANSAS MEMBERS OF THE
NATIONAL ORGANIZATION OF WOMEN

February 15, 1999

*House Fed & State
Attachment #6-1
2-15-99*

Good afternoon. Thank you for allowing me the opportunity to speak. My name is Jessica Travis and I am a third year Washburn law student as well as the lobbyist for the Kansas National Organization of Women.

As the others testifying today, Kansas NOW is opposed to House Bill 2405. This bill increases the burden upon a minor seeking an abortion, thereby pressuring young women to carry unwanted pregnancies to term. Additionally, House Bill 2405 is facially unconstitutional. Since we have and will hear from other organizations which will speak about the personal hardships that this bill would impose, I will refrain from reiterating my concurrence and briefly focus on the constitutionality issues surrounding House Bill 2405.

Regardless of the hardships that parental notification has imposed upon pregnant teenagers seeking abortions, the courts have generally upheld the constitutionality of parental notification when such laws include a judicial bypass provision. Facially, then, it would appear that House Bill 2405 has constitutional muster. However, the judicial bypass proposed by House Bill 2405 would not survive a constitutional challenge because it is unconstitutionally vague. Unconstitutional vagueness is present when persons “of common intelligence must necessarily *guess at its meaning and differ as to its application.*” Connally v. General Construction Co., 269 U.S. 385 (1926) (emphasis added). House Bill 2405 strips the current provision granting automatic waiver of parental consent if the court does not address the minor's request within 48 hours. House Bill 2405 replaces the 48 hour provision with the proposed new Section 2(b)(2) that reads:

“Proceedings in the court under this section shall be confidential and shall be given such precedence over other pending matters so that the court may reach a decision promptly and

without delay so as to serve the best interest of the pregnant female.” Though this wording seems to stress immediacy, it lacks in definition. What shall be considered a prompt decision in the best interest of the pregnant female? Given the current caseload of our courts, this bill presents a danger of unnecessary and burdensome delay on a young woman seeking the court’s assistance. Additionally, in such an instance where a minor is waiting for a judicial decision, what is her remedy if she feels the process is being dragged-out, thereby hindering her ability to obtain an abortion? While the proposed new bill provides for “an expedited confidential appeal” - again not defining "expedited" - House Bill 2405 does not give the minor an avenue to speed-up the first round of the judicial decision making process. These lack of definitions and avenues condemn House Bill 2405 as unconstitutionally vague.

There are dangers and pitfalls that accompany every judicial bypass process: the potential for insertion of the judge’s personal bias, the fact that the process is time consuming and strains the courts, and, of course, the increased physical, emotional, and financial hardship endured by the minor that must go through the bypass procedure. House Bill 2405 adds to these dangers because it does not give clear-cut time guidelines. By increasing the burden the young woman must bear, House Bill 2405 would result in an unconstitutionally vague parental consent law. House Bill 2405 is bad, unconstitutional law. Its lack of definition allows for frustration of an otherwise constitutional process. The current parental consent law provides for a judicial bypass procedure that is constitutional. I ask this committee allow the current law to remain intact by not referring House Bill 2405 for review by the full House of Representatives.

2/15/99 Testimony in opposition to H.B. 2405 concerning parental consent to abortion

Marian Shapiro, LMSW, 513 W. 30th St. Hays, Kansas 67601. (785) 628-8537

Chairman Wagle and Members of the House Federal and State Affairs Committee:

As a social worker I've worked with many families facing the tough decision about a minor's unintended pregnancy. Some families pull together in a time of crisis. With tears and hugs they find the strength to handle whatever choice they agree is best. Their choice may be supporting the minor in having and raising a baby. It may be placing the child for adoption. It may be terminating the pregnancy very early. For these families who pull together and communicate, there is no need to require parental notification or consent, because the teenager in trouble knows that her parents will always love her and be there for her and she goes to them with her problem.

Not all teens are as fortunate. I remember a scared, 16-yr-old pregnant teen, whose own Mom was drug-addicted. Although she couldn't count on her mom to be supportive, rational or responsible, she fortunately had a warm supportive relationship with her Mom's sister. It was this aunt who was willing to go with her on the 5-hour trip to Wichita to have an abortion. They were poor and didn't even have a car. They had to borrow money and a car, so this teen could have access to the legal option she wanted. When they arrived at the medical facility, the doors to the clinic were blocked by protesters and they couldn't get in! No one could. For those who lived nearby, it wasn't quite as bad. But for this young woman who had driven so far from a rural area, it was an undue burden for them to stay overnight, to pay for a motel, to miss another day of school and for her aunt to miss another day off work.

Some people apparently think it's OK to put barriers in people's ways, so they won't have a choice when it comes to this particular safe and legal option. HB 2405 puts more barriers in the way of our young women. It does NOT protect teens as some try to say. By making it more difficult for a teen who can't communicate well with her parents, it creates the following risks to her:

- 1) She may dread telling her parents and so put off telling them until it's later in the pregnancy, when there is more risk to having an abortion. This bill doesn't accommodate the teen who would be willing to share her problem with an aunt, a grandfather, a sister, but can't tell her parents.
- 2) She may be totally unwilling to tell her parents at all and decide to travel to another state for a medical procedure. Certainly it can't be in a teenager's best interest to be on the road, hours from home in unfamiliar territory when she is already in emotional turmoil. And yet H.B. 2405 will increase the chance of this kind of risk to teens.
- 3) She may find her way to an illegal abortion provider which could have tragic results — as happened a few years ago to 17-year-old Becky Bell of Indiana, who died from complications of an illegal abortion done by an unqualified quack. Becky refused to tell her parents as Indiana law required. That prevented her from getting a safe, legal abortion. Do we want Kansas teens to die that way?
- 4) She may end up giving birth to a baby which she didn't want and then may not have the maturity to be an adequate parent. As a social worker I have seen tragic cases of neglectful and abusive parents who should have been supported in their choice not to be parents. We do a disservice to young women and to their potential children by pressuring them to continue pregnancies they desperately don't want and can't handle.

Although there are some of the same problems with the current notification law, there are features in the current law that are beneficial, such as providing for counseling and allowing a teen to confide in a grandmother, uncle, neighbor who is supportive and over 21. This bill is **NOT** an improvement, but, on the contrary, is detrimental to the young women of Kansas. I strongly urge you to vote against H.B. 2405.

Thank you.

House Fed & State
Attachment #7-1
2-15-99

From: "Marian Shapiro" <marianshapiro@hotmail.com>
To: <Franklin@house.state.ks.us>, <Klein@house.state.ks.us>, <Benlon@house.state.ks.us>, <Cox@house.state.ks.us>, <Dahl@house.state.ks.us>, <Edmonds@house.state.ks.us>, <Faber@house.state.ks.us>, <Freeborn@house.state.ks.us>, <Hutchins@house.state.ks.us>, <Mason@house.state.ks.us>
Date: Mon, Feb 15, 1999 12:22 PM
Subject: Testimony on Parental Consent

Members fo the Federal & State Affairs Committee:

I would like to submit my testimony to you via e-mail. I hope this works, since I cannot get off work to come to Topeka today.

I am sending my testimony as an attachment. If you have time to discuss this, please phone me at 785-628-8537 in the evening.

Thank you for your consideration.

Marian Shapiro, LMSW
513 W. 30th St. Hays, KS 67601

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7-2