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LEGISLATIVE TESTIMONY

To: Members of the Joint Committee on Public Health
From: Kathryn M. Davis, M.Ed., Public Policy Coordinator
Re: Opposition to House 629 “An Act Relative to Consent and Counseling,” and House 1540/Senate 1102, “An Act to Promote Health Behaviors”
Date: May 10, 2011

The Massachusetts Catholic Conference (“Conference”) respectfully submits this testimony in opposition to House 629, “An Act Relative to Consent and Counseling,” and House 1540/Senate 1102, “An Act to Promote Healthy Behaviors.”

Abortion Law in Massachusetts

Current law in Massachusetts legalizes abortion for any reason and at any stage of pregnancy, without affording women the right to full informed consent. The State’s mandatory version of the consent form merely describes abortion as a procedure where “the contents of the womb (uterus) are removed,” fails to include any reference to the potential for physical, psychological or emotional problems after an abortion, and omits any listing of or contact information for agencies providing pregnancy assistance. Abortion providers retain a vested interest in one outcome, abortion, and have every motivation to offer to potential consumers only such information that favors that outcome.

Making State Law Even More Permissive

House 629, “An Act Relative to Consent and Counseling,” would amend current law governing required consent for minors seeking abortion. This legislation would allow the abortion industry, or their affiliates, greater access to vulnerable youth by lowering the parental consent requirement from age 18 to age 16. As a result, the agency would only need the consent of the minor to perform an abortion. The agency would not be required to inform the guardian(s) that their child is about to experience a medical procedure. When a child is about to undergo a medical procedure, parents have the right to know. On September 13, 2007, parents across the Commonwealth were reminded of the complications that can occur during the abortion procedure; a young woman from Hyannis, MA died. House 629 would increase the probability that other parents would learn about their child’s abortion in such a heart-breaking way.

Parents have a right to know; vulnerable youth also have a right to know. Under House 629, the abortion doctor is not required to inform the sixteen year old youth the “[t]ruth about the abortion procedure, risks, post-abortion aftermath, fetal development information, [or] pregnancy support and help available.”¹ Marian Desrosiers, Diocesan Director of Project Rachel for the Diocese of Fall River, MA publicly testified on July 14, 2009, before the Judiciary Committee and stated that women recovering from the aftermath of abortion often lament, “Why didn’t anyone tell us the truth?”.

¹ Attached testimony presented to the Joint Committee on the Judiciary by Marian Desrosiers, Director of Project Rachel for the Diocese of Fall River, MA. July 14, 2009.

House 629 would remove existing statutory safeguards intended to ensure that a minor who does not want or cannot obtain parental consent be found by a court to be mature enough to make an abortion decision or that, lacking maturity, the minor is making a decision found to be in her best interests.

House 629 would allow abortions to be performed on minors without any court finding of maturity or best interests as long as the minor obtains counseling from an adult designated within a category of eligible candidates, such as a school nurse, social worker, physician, physician assistant, or psychologist. The required verification of counseling need only indicate that “the alternative choices available to manage the pregnancy and the possibility of involving the woman's parent, guardian, or other adult family member in her decision making” were discussed. Thus, minors with insufficient maturity to understand the consequences of an abortion decision, or who are choosing an abortion against their best interests, would be free to obtain abortions without parental consent.

Parents have an irreplaceable role in the development and well-being of their children. The role of a parent should not be subverted by authorizing other adults in non-judicial settings, who may have ties to the abortion industry or who may have limited knowledge of the minor or her family situation, to facilitate a minor’s access to an abortion without parental knowledge. The bill’s passage would substantially weaken the protections for parents and their minor daughters under current law. As a result, children would be left even more vulnerable to a predatory industry that profits from increased abortion numbers. Parents of teens would lack the needed information to understand their child’s behavior changes following a secret abortion. The number of children in the Commonwealth suffering from suicide attempts, acute pain, infertility, cancer, grief, trauma, self destructive behaviors and possibly even death could increase considerably.² All residents of the Commonwealth benefit when elected leaders establish laws that protect children and encourage the development of parent-child relationships. The Conference suggests that House 629 weakens child protections while simultaneously disrupting parent-child bonds. For these reasons, the Conference opposes House 629.

Promoting Healthy Behaviors

Young people respond to positively to adults who invite them to behave appropriately. There are numerous stories of children whose lives have improved dramatically as a result of one adult figure who believed in their ability to make life-affirming choices. Although the title of Senate 1102 and House 1540 reads “An Act Promoting Healthy Behaviors”, the bill’s language does not accomplish that objective.

Senate 1102 and House 1540 direct family planning agencies to establish health and sexuality education services. Family planning agencies often are financially rewarded when children and adults utilized the abortive services they provide. The Conference considers it to be a conflict of interest when teachers of sexuality education benefit from contraceptive failure that leads to profitable abortive services.

Additionally, the Department of Public Health recently awarded a \$100,000 grant to the Aids Action Committee to increase healthy behaviors. This grant resulted in the creation of a website titled, “*Maria Talks*”. This state-funded website failed to mention the risks and consequences associated with abortion while encouraging children to obtain an abortion without parental consent. Rather than providing referral information to a variety of state-wide services available to pregnant teenagers thus enhancing “choice”, this state-funded web site referred only to family planning agencies that profit from increased abortion numbers. While the Conference fully supports the promotion of health behaviors in children, we do not agree with the current direction of the Department of Public Health in area of adolescent sexuality education as evidenced by the information provided on the state-funded website, *Maria Talks*. For these reasons, the Conference opposes both Senate 1102 and House 1540.

² Attached “Teen Abortion Risks” Fact Sheet

Requested Committee Action

For the foregoing reasons, the Conference urges the Committee to give House 629 and Senate 1102 and House 1540 an unfavorable report recommending that these bills ought not pass.

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.