



Senate Judiciary Committee
June 18, 2013

Dear Committee Members,

The ACLU of Michigan and Planned Parenthood Advocates of Michigan oppose SB 254 and urge you to vote against this legislation. We are concerned that SB 254 will hinder a woman's right to comprehensive, safe, and legal reproductive health care. The following is a list of reasons we oppose the bill:

Further Restrictions on Judicial Bypasses are Dangerous:

Loving and responsible parents should be involved when their daughters face unexpected pregnancies. Generally, parents hope that a child confronting a crisis will seek the advice and counsel of those who care for her most and know her best. In fact, even in the absence of laws mandating parental involvement, many young women turn to their parents when they are considering abortion. The government, however, cannot mandate healthy family communication where it does not exist.

Unfortunately, some young women feel they cannot involve their parents. Governor Granholm vetoed similar legislation in 2004. We echo her veto message when she stated that this type of legislation would "place many minors at risk." Legislation like this, which further restricts minors' access to abortion, can actually harm the teens and families it purports to protect by increasing illegal abortions, self-induced abortions, and family violence. SB 254 does not solve the problem of minors not communicating with their parents. The additional restrictions in this legislation would simply make it even more difficult, if not impossible, to obtain a judicial bypass.

SB 254 Goes Far Beyond U.S. Supreme Court Standards

This bill will also impede most minors' ability to prove the necessary elements required to obtain a bypass. The requirement that a minor must prove that she is mature as a person the age of maturity will unconstitutionally burden the minor's right to seek an abortion. The Supreme Court, in *Belotti v. Baird*, 443 U.S. 622, 643 (1979), has already established the requirements that a judicial bypass should consider: 1) she is sufficiently mature and well-informed to decide independently to have an abortion; or 2) even if she is not sufficiently and well-enough informed, that the abortion would be in her best interest. In *Belotti*, it required only that the minor prove she is sufficiently mature to make this decision, not that she is mature as an adult as is set forth in this legislation. Additionally, many of the factors listed to determine maturity could be used prejudicially to imply immaturity. For example, the court could decide that a person who didn't use adequate contraception to prevent a pregnancy is not mature, even though adults often face unintended pregnancy. Or, that someone who still lives with, or depends financially upon, their parents is not mature – even though this is standard behavior for minors.

Even if the minor is not found to be sufficiently mature or well enough informed, the court must grant the bypass if it is determined that the bypass is in her best interest. SB 254 proposes additional criteria that would make it more difficult for a minor to prove that the bypass is in her best interest. The bill requires that the

court consider the rebuttable presumption that “a minor’s best interest is served by involvement of [her] parents in medical decision making.”

Better Ways to Reduce Abortions

Ultimately, the stated purpose of this bill is to have fewer pregnancies end in abortion each year. On this, we agree. We need to reduce unwanted pregnancies in Michigan, especially for minors. Let us work together and spend our resources on proactive legislation to prevent unintended pregnancies. Let us focus on improving access to contraception and providing medically accurate sexuality education to our young people. If we want to work together to reduce the number of abortions in Michigan, surely these efforts focused on preventing unintended pregnancies would be a better place to begin.

Sincerely,



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