
Public Hearing

before

SENATE LAW AND PUBLIC SAFETY COMMITTEE

SENATE COMMITTEE SUBSTITUTE FOR

ASSEMBLY CONCURRENT RESOLUTION No. 2

and

SENATE CONCURRENT RESOLUTION No. 86

(Proposes amendment to Constitution regarding parental notification for medical or surgical procedures or treatments relating to pregnancy to be performed on minor children)

LOCATION: Committee Room 1
State House Annex
Trenton, New Jersey

DATE: April 12, 2001
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Louis F. Kosco, Chairman
Senator Anthony R. Bucco



ALSO PRESENT:

Anne M. Stefane

Todd B. Dinsmore

Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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Committee Aide*

*Senate Democratic
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SENATOR LOUIS F. KOSKO (Chairman): Can we close that back door?

I thank you all for being here. The purpose of this hearing--

There will not be a vote taken today, as you know. What we're going to do today is a hearing that has to happen so that there can be a record of this hearing so that this legislation will be on the ballot in November.

I have the sponsors of the legislation here right now, Senator Cardinale and Assemblyman Rooney.

One thing I insist is if you have a cell phone or a beeper, turn it off, because I don't want to hear them going on during the meeting. If they do, I will ask you to leave the room.

Now, here are the rules, and it's going to be very strict. I have over 37 people that want to testify. It will be impossible for everyone to get up and talk for 15 or 20 minutes. We have a timer. You have a three-minute time limit to get whatever information you want to get on the record. Make it quick. In three minutes, the timer will go off, and I will have you finish your sentence so we can go to the next person. If you don't-- If we don't do that, then we'll have the same problem that we had at the last meeting, where we could not get everyone in to speak. This meeting will go from now until 12:15, and at 12:15 it will terminate. So make your point, get it across in three minutes, and you'll be asked to shut it off at that point so that we can listen to as many people as possible. But at 12:15, this meeting will end.

First, we'll have Senator Cardinale explain the legislation he has proposed. And also, Senator Bucco is a sponsor of the legislation along with Jack Collins in the Assembly.

S E N A T O R G E R A L D C A R D I N A L E: Thank you, Mr. Chairman and distinguished members of the Committee.

For many, many years, we have all accepted the proposition that parental involvement in their children's lives is a positive thing for our entire society.

There, unfortunately, has arisen a theory that when it comes to things like abortion, parents should be shut out of their children's lives. Obviously, if parents are involved, there may be some abortionists who make less money, because parents may, in fact, in some instances, advise their children on a different path. There are some who would like to see a 12-year-old, who becomes pregnant, be taken by the hand to an abortion clinic by a stranger. Maybe it's a teacher, maybe it's a member of Planned Parenthood, maybe it's none of those. That's an obscenity. We know, because we have very good data, very recent data that the great majority of the people in the State of New Jersey want us to pass this legislation. They want us to overcome the very ill-informed, unfortunate decision made by our Supreme Court that this law, which we pass, should not be enforced.

We need to pass this constitutional amendment. We need to put this on the ballot so that the public, and not a few elites sitting on that Supreme Court, make the decision, not a few elites who make money from the abortion mills in the State of New Jersey. They're not the people we are here to serve. We are here to serve the great bulk -- the great majority of the people of the State of New Jersey.

Mr. Chairman, I thank you very much for holding this hearing. I thank you for all of the work that you have done with respect to this issue. And

I would hope that we can proceed. And I'm looking forward to this being on the ballot in November.

Thank you very much.

SENATOR KOSKO: Thank you, Gerry.

Assemblyman Rooney, you have the same three minutes.

ASSEMBLYMAN JOHN E. ROONEY: Thank you.

I will abide by those three minutes, Mr. Chairman. I appreciate this opportunity.

As you well know, I was the sponsor in the Assembly, where the bill originated, of the original parental notification law. And Senator Cardinale and Senator Bucco were the Senate sponsors. We went-- And I worked on the bill for 11 years. And we worked on that bill with the previous administration, the Whitman administration, and we did a lot of things on that bill that protected everyone's interest.

Basically, what we did was we provided the judicial bypass. We provided all of the safeguards that a child would have if they had a problem going to their parents. They could go before the judge. They could even get an attorney to work for them pro bono. This was all part of that package. Everything protected that child. And also, it helped bring the family together, as Senator Cardinale said.

One of the things the Senator missed, and what we picked up, was, in a situation where a child has been repeatedly raped by a family member, the current law, the way it's done, is that child goes to an abortion mill, gets the abortion, and is returned immediately to that same situation and probably raped over and over and over again.

Our law allowed that child to go to the judge, explain why they didn't want to tell their parent or why they didn't want to tell anyone, because they were trying to cover the illegal acts of a sibling or a stepparent or a parent, for that matter. They could go before that judge and get protection. The law provided that they could go to DYFS and have that practice ended. And right now, there are children that are given abortions by these abortion clinics, returned to the same environment.

And as the Senator said, 12-year-olds, 13-year-olds-- What happens to this child is they are physically and psychologically invaded by these abortion clinics. They're taken in, given the abortion. And before that, we had testimony in my -- in the original bill -- in the Assembly and the Senate committee that before they go to that abortion clinic, they must put that money up front. If they're \$10 or \$20 short, they don't get the abortion. That's the main interest of the abortion clinics.

When the child now brings the family into the situation, they go to their family doctor, their family hospital, and the family is involved. Yes, there are problems with some situations where they can't go, but in most of the surveys that come out, over 60 percent of the children that don't involve their families -- the reason that they give is that they are too embarrassed. And that's not a good enough reason to isolate the family and have that child live with this guilt on their own for probably the rest of their lives.

We had some devastating testimony. I was moved. And I was glad that I was the sponsor of the bill.

One of the other things that I'd like to leave with the Committee-- I do have-- This was written to you. This is written testimony by Professor

Teresa Stanton Collett from the South Texas College of Law. She has testified all over the country, and there are many reasons in here about these issues. She's a very learned woman. She couldn't be here today, because she's working on two other states.

The other thing that bothers me the most about the situation -- probably not the most but as much, is the fact that New Jersey's number one. We're number one in per capita abortions of our teenagers. This is the problem that we have in the State. Why, because other states around us-- There are 40 states now that have either a parental notification or parental consent law. And what's happening? We're getting all of the kids coming in our state.

It should be a Federal law. It absolutely should be. And the Federal government should take a step to do that. And I'm hopeful the Bush administration will do it.

And I know my time is up. Thank you, Mr. Chairman.

I'm going to leave this with the Committee for inclusion in the written testimony.

SENATOR KOSKO: Thank you.

Now, I'm going to call on Dr. Tumberello (*sic*) first, because he has two mothers in waiting. Where's the Doctor?

JOEL TUMBERELLO, M.S.N., N.P.C: First, let me clarify, my name is Joel Tumberello. I'm an obstetrical and gynecological nurse practitioner in Moorestown. And my other credentials are there listed before you.

And I wanted to just state a little bit that for the last several years, I've been devoted to delivering obstetrical care and gynecological care to women of every age group, beginning at age 14.

The best I can do to exemplify what I wish to convey today is to relay a personal experience which has happened to me and many of my colleagues many times.

One morning in my office I was contacted by a school nurse on behalf of one of my teen patients, a 16-year-old, who was suffering from abdominal pain. The student asked the nurse to contact me, as she was afraid to have her parents contacted because she was very filled with shame and fear that the pain might be a result of the sexual intercourse she engaged in with her boyfriend. And she was concerned that it might be a pregnancy that went wrong, in her own words.

She came to my office. She was terrified. And we discovered that the pain was a result of an abscess on her ovary -- a tubal ovarian abscess. At that point, I encouraged her to tell her parents, and we contacted her parents. After a consultation with them, an emergency surgery was undertaken with my partner at the time.

I can't imagine what would have happened if the student didn't call me or delayed because she was forced to have some type of parental notification to contact me over this issue. Without the confidence that she could come to me -- without having confidence that she could come to me anonymously and privately, she probably wouldn't have sought care at that particular time. She would have delayed care, perhaps, until the abscess ruptured.

A tubal ovarian abscess, without getting too technical -- technically -- technical medically for you, can result in hemorrhage, and some of them can result in death. Worse than that, if it was an ectopic pregnancy, any delay could have resulted in her sudden death.

See, there's no room here in these cases for a judicial bypass. There's no room for an attorney, even though it may be pro bono. Death would have been certainly an obscene and unnecessary outcome.

As a provider of health care to women, I can tell you that any additional encumbrance to a system that's already overburdened by managed care only endangers the public health. It serves no good or benefit to the safety of public health. And therefore--

If that was the timer I heard in the background--

I really encourage you all, as responsible legislators, to reject this amendment on the grounds it is an endangerment to the public health and safety.

Thank you.

SENATOR KOSKO: Thank you.

Now, I'm going to go to three people who, at the last hearing -- that spent the whole day with us -- that did not get an opportunity to speak. So I'm going to call on them first today.

I believe it's Janice Weber.

Your timer's on.

JANICE WEBER: Okay.

Thank you for permitting me to speak this morning on this constitutional amendment.

I would like to commend legislators Collins, Rooney, Cardinale, and Bucco for proposing this sound, reasonable amendment which upholds a parent's right to be informed of a minor daughter's surgical or medical treatment in obtaining an abortion.

Parental notification simply makes sense. It is a moderate and reasonable approach in attempting to protect a young woman from a life-altering, oftentimes devastating decision which will impact her life for years to come. As one who spent nearly 10 years counseling women of all ages and backgrounds, I can attest to you that the emotional and even physical aftermath of abortion is a high price paid because of a decision made under pressure without proper information when the woman is most vulnerable and isolated. It is during a time such as this when a minor daughter would most need the support and counsel of her parent.

In states such as Minnesota, Virginia, Indiana, Missouri, and others where parental notification is in effect, abortion rates have dropped significantly. And there are studies that prove this. Teenage birthrates decline, implying that where parental involvement is evident, teen sexual activity is believed to decline, as well.

All would agree that reducing teen pregnancies and teen abortions is a positive result. The correlation between parental notification and reduced abortion is evident.

Abortion advocates would argue that parental notification best serves a child coming from a supportive family, but states that enact parental notification laws build in judicial bypass, which you were talking about.

Critics of parental notification may charge that late-term abortions amongst teens would increase. According to a study published in the American Journal of Public Health, this is unsubstantiated. In fact, the study from Minnesota reveals that for ages 15-17, the number of abortions and late-term

abortions per one thousand women decreased following the enactment of the law.

It is clear that parental notification is a logical, commonsense step in building communication between a minor and her parent. It is a step into social, psychological, and emotional civility. Parental notification benefits and assists the minor. It is in the best interest of the State of New Jersey and its citizens to pass this amendment.

I thank you for your time.

SENATOR KOSKO: Thank you.

Elizabeth Volz.

ELIZABETH L. VOLZ: Chairman, members of the Committee, I'd like to thank you for the opportunity to testify here today.

I understand you're on a tight schedule, and I'll do my very, very best to be brief.

The National Organization for Women of New Jersey is very concerned about this proposed amendment. It is commonly believed that this is an attempt to undo what the State Supreme Court did when they ruled on parental notification for abortion. When a citizen appeals to the courts, it is commonly understood that they must abide by the final court order. The same understanding should apply to our Legislature and rulings made by our State's highest court. This is how the balance of powers works to keep one branch of government from complete control.

Now, it seems some members of the Assembly wish to overpower our State's Supreme Court by rewriting our Constitution to fit their political goals. In fact, Assemblyman Rooney stated at the press conference that

announced this proposed amendment, “If we have to go over the heads of the Supreme Court, then that is what we will do.” That statement in itself is frightening, but the proposed amendment is even more frightening.

The proposed amendment makes no mention of abortion. In fact, it states that the Legislature may pass parental notification legislation for any medical or surgical procedure or treatment relating to pregnancy. The lawmakers and the public deserve to know exactly what other procedures or treatments the Speaker of the Assembly and his supporters have in mind. In addition, we should be told clearly why there is no exception for the life or health of the minor nor is there any judicial bypass provision in this amendment. We can only assume that they hope to pass notification legislation law without these important safeguards.

The final portion of the amendment is the most dangerous. It permits the Legislature to insist on parental notification irrespective of any right or interest otherwise provided in this Constitution. Is it appropriate for this Legislature or any legislature to move an amendment that would allow that legislature to pass laws that take precedence over an individual’s constitutional rights? Are today’s social and political interests more important than the basic rights guaranteed in our Constitution? What will the next amendment that seeks to place itself above the rest of the rights in our Constitution look like? And the one after that? This amendment defies the basic balance of powers our government is based on and compromises the basic rights of a group of people, in this case, the minors.

This amendment seeks to give the Legislature a blank check with regard to parental notification without trying to understand why there are

situations where parental notification is not required. In certain circumstances, a minor can receive drug and alcohol treatment, psychological treatment, STD treatment, birth control, and all pregnancy-related services including adoption, abortion, C-sections, or a blood transfusion without parental notification. The first reason for this is that, unfortunately, not all families are healthy, and some children are not safe sharing these things with their families.

When these issues come up, someone always mentions that a school nurse can give out an aspirin but needs parental permission for that. I recall Assemblyman Ken Zisa's comments on this issue and how different an aspirin is from a birth control pill. I have never heard of a teenager being verbally or physically abused because their mother or father found an aspirin in her room.

The other side of the issue of mandatory parental involvement is families like ours. We have health families. We are the PTA moms and room mothers. We have the talks. We go to the sporting events. We are part of our children's lives.

I'm willing to bet my savings account that my children would come to me, but I'm not willing to bet their lives. Children's lives, teenagers' health and safety is on the line. And we oppose this amendment.

Thank you for your time.

SENATOR KOSKO: Thank you. (applause)

Kaylin Gerling.

KAYLIN GERLING: Hi, my name is Kaylin Gerling, and I'm 21 years old. And I just want to share some of my story with you.

About a year ago, I was -- I'm still in college -- I was a college student, and I was also working full-time. I became pregnant. And I was 20 years old -- or actually 19, and it was just the scariest situation. I felt very lonely. And immediately, my first reaction was to go to my friends.

And I went to my friends, and they thought I was stupid for even asking them. They said, "Have an abortion. Why are you even thinking about this? You're going to school. You want to travel. You want to do all these things. How can you do this with a baby?"

Then I spoke to a couple more friends who've had abortions, and they told me about their regrets and how they regretted it and how the decision has stayed with them as they moved on from it. But it still stayed with them and was still always a part of them.

So I started to look at my options other than abortion. And the scariest thing to me besides not being able to have my future and not be able to go to Spain or go where I wanted to travel was to tell my parents. I was just-- It was the hardest thing that I could ever think of doing -- was hurting them, telling them. I was afraid they were going to kick me out of my house. I didn't know what was going to happen.

So I delayed telling them. And I finally told them when I was about three months pregnant -- four months pregnant. And when I did tell them, they were upset. They were very upset. But it was an unexpected liberation that I felt within myself to tell them. It was like I was unburdened. I felt like this lift off my shoulders from telling my parents.

I'm lucky, I do have sisters. And I am still able to go to college. And I never stopped going. I still go full-time. It's a life-altering decision, and

I know that without parents to be there for you, you can't -- there's no way that you can really make the best decision for you. And as a teenager, it's even more so. A teenager would never go to their parents, because they're just so fearful of what they're going to say. But they don't realize that overall -- that their parents really love them, and that they will help them make the best decision for themselves, and they will have a life, and they can do the things to go on to do.

Deciding to have my child was the hardest decision that I had to make, but it was one decision that I will never, ever regret. I can never regret that little boy right there. And I have to work hard. I have to work a lot harder than a lot of people my age, but it's something that I would never, ever give up.

Thank you. (applause)

SENATOR KOSKO: And also from the last hearing was Jackie Heheman from Toms River.

JACQUELYN HEHEMAN: I am a private citizen and a mother.

The passing of the parental notification law touches me greatly. I feel really touched after hearing her just speak.

When I became pregnant with my daughter, I knew I was really blessed, and I had no-- There was no wavering in mind, I knew I was going to keep my daughter, but I was very scared to tell my parents.

I can remember telling my father. And I can remember telling him to sit the opposite direction, and I turned off the lights, and I turned the other way to tell him, and it was the best thing I could have done.

I was going to keep her, and I was going to do it on my own, but having my mom's support was the most wonderful thing and my father's support. The next morning, my mother woke me up really early, and we went

for a walk together. I can remember it. And they supported me fully, and it made it a lot easier for me.

However, I have someone very close to me who had earlier been pregnant. Learning I was pregnant was very hard for her. She had had an abortion without her parents' knowledge. The guilt she was going through could have been avoided. Seeing her own parents support me was even harder for her. And she knew that if her parents had known, she would not have to deal with what she deals with today every time she looks at my own daughter.

Other friends of mine, who previously had abortions, just disappeared after knowledge that I was pregnant and having a baby. I can still remember one of those girls crying to me a few years prior as she wondered who her baby would have become. She always referred to her aborted baby as her baby, not a fetus. I believe the most pathetic tears ever shed are those which could have been avoided.

Planned Parenthood earlier said that it is not possible for all a parent has instilled in a child to disappear within an hour from speaking with Planned Parenthood personnel. Well, I have seen it happen all too often. Girls in these situations are in a state of shock and panic. They are shaken, and their judgment is impaired. These girls deserve as much counsel as possible. If we lived in the perfect world Planned Parenthood accuses supporters of the law to be fantasizing about, then, yes, all a parent instills in a child would remain in them forever. It is not a reality. How many teenagers who do drugs were warned all their lives not to do drugs?

This message pertains to everyone, but especially us women. We know it is not an easy road to travel. We know our own experiences. I feel for

these young girls who are making decisions that will affect the rest of their lives. Should they not be given as much counsel as possible? How many of us at 12 knew a good doctor from a bad one? Did we always know who to trust? I still don't, and that is not a bad thing. Should we teach our young girls that they can trust anyone? Can we confidently leave our children in the hands of the world? How many of us at 12 could identify postabortion trauma? Would we tell our parents if we did something behind their backs and were now suffering serious health risks because of it? Or, for that matter, would we even know we had to, being it wasn't their business, according to one industry, that we had surgery in the first place?

It is absolute lawlessness. New Jersey has already recognized the need to protect minors. Now, because of one industry, the law is being questioned. Well, I question if the abortion industry feels threatened. By passing this law, they will not have complete control over our children. It is absurd to me that any industry would even desire such control. This desire to control will allow one industry to rob a parent of their inherent role in their own child's life. This industry could not possibly possess the genuine concern parents have for their own children, nor do they possess the knowledge parents have pertaining to their own children and their lives.

SENATOR KOSKO: Okay, can you-- The beeper went off. Did you hear it?

MS. HEHEMAN: Oh, I'm sorry. I didn't know that was for me.

SENATOR KOSKO: Go ahead, finish your sentence.

MS. HEHEMAN: It is a parent's right, as well as responsibility to know what is going on. I do not believe one industry should be able to take

that from them. If a parent is not responsible for their own children, who will be?

SENATOR KOSKO: Thank you.

MS. HEHEMAN: Thank you.

SENATOR KOSKO: What I'm trying to do is to go one in favor, one opposed, so I can try to keep it as even as I can.

Now, we're finished with the people who had been here at the last one, as far as I know. So we have Nancy Pinkin.

JOAN FASANELLO: I was here last time, also.

SENATOR KOSKO: What's your name?

MS. FASANELLO: Joan Fasanello.

SENATOR KOSKO: I don't have the form from the last time here. I have the forms from the last time.

MS. FASANELLO: My name is Joan Fasanello, and I'm from Hunterdon County. I live on the border of Hunterdon and Warren counties. And I hope, in taking some of your time to speak to you, I will be able to give you a little bit of a different perspective -- some information that relates particularly to my area.

I'm a mother of four, three daughters, and one a teenage girl. And that, of course, makes me particularly interested in this subject.

I'm trying to do a little research and see exactly how this would affect the women, especially young women in our area. I thought, well, what would a young girl do when she felt that she was experiencing a crisis pregnancy, an unplanned pregnancy.

So I opened my phone book, and I looked up pregnancy, and I looked up abortion. And I find in my phone book, in our area, an ad. And the name -- the owner -- operator of that clinic -- his name is very familiar to me, because I've read it frequently in the local newspapers because of his malpractice.

Now, as a consumer -- as an older woman, I know how to research a little and make sure I pick safe doctors for my family. However, I doubt very much that a young girl, an early teenager, even an older teenager, would have those skills developed or read the paper enough to have the background.

When I find this ad for the local abortion clinic, something that makes a pretense of assisting a woman in crisis, I don't see the words safe and painless abortion there, and I recall very vividly reading in the newspaper, as a result of Dr. Steven Brigham's other malpractice, he's no longer allowed to use that wording. So we know he can't offer safe and painless. And in the ad there, we have truth in the advertising. That's a little frightening to me. If you can't say safe, what can you say?

Now, at the same time, what words we do see in that ad is, no parental notification necessary. And the address of that clinic is right on the border of Pennsylvania. Why? Well, I think it's pretty obvious. This is a doctor, and I'm sure there are many others like him, that offers abortion services to women. However, they also realized, because of their very bad track record, older, well-informed women are not going to keep the business going. They prey on our youth. No parental notification needed. We won't see the words safe and painless. Right on the border of Pennsylvania. Why? Because we're exploiting Pennsylvania citizens, too. They've had the good sense, the logical

good sense to protect the rights of the parents in Pennsylvania and make the law to keep their children safer. But instead, they're driven over the border into New Jersey where we have not yet addressed that problem. And this man is able to continue the business. And I'm sure he's not alone in that.

As a parent, I'm very concerned about that. We'll hear testimony, I'm certain, from many doctors, pediatricians, OB/GYNs. Wonderful. Maybe they would tell the parents. Maybe they would give the best care to my daughter. However, they are not the likely doctors that a young woman goes to. That's not what we're looking at here. Merely open the phone book. See what's available. You see the words no parental notification needed, and you think this is my easy way out, and you're put at great risk. And I'm asking you, please, take a serious look at this. This is the reality of the situation, not safe and painless for our daughters. We're putting them at risk. Please protect them.

Thank you.

SENATOR KOSKO: Thank you.

All right. These are the last two from the last meeting.

Joan McLaughlin and Patricia Staley.

J O A N M c L A U G H L I N: My name is Joan McLaughlin. I am a taxpaying citizen, voter, and resident of New Jersey, as well as a wife, mother, and grandmother. I sincerely thank you for allowing me the opportunity to express my views concerning SCR-86.

More than a year ago, New Jersey's duly elected lawmakers responsibly enacted the parental notification law to safeguard the right of parents to protect and counsel their children.

Without the legal assurance of a parental role in decisions affecting their children, minors are vulnerable to coercion and manipulation by adults who may benefit financially from the influence they freely exert in the absence of a parent's advice and assistance. Moreover, children cannot be expected to provide their own medical histories fully and accurately, or to comprehend the long-term consequences of critical and complex decisions.

Polls have indicated there was, and there remains, overwhelming public support for a parental notification law in New Jersey. Currently, 32 states have in effect either parental notification laws or stricter parental consent laws. None of those 32 state laws were judged to be unconstitutional.

There was nothing extreme about our parental notification law. What was extreme was the action of the New Jersey Supreme Court in arbitrarily striking down our rational, responsible law. It is incumbent upon you, as legislators, to act decisively to restore the proper balance of powers between the coequal branches of government.

Time did not permit me to speak at the previous hearing on this issue last December, but I sat through hours of testimony by others. It is interesting that the word abortion is nowhere contained in SCR-86, but it was, in fact, the central issue being debated by the professionals, including social workers, child welfare advocates, a retired judge, and abortion rights activists.

If parents were the dangerously abusive adults they have been portrayed to be by the opponents of SCR-86, we should insist that all minor children be emancipated when they get failing grades on report cards, are involved in driving accidents, or have any sort of bad news to bring home, not just an unintended pregnancy.

I implore you to disregard the derogatory descriptions of parents we have all heard here. Your own common sense and reasoning will tell you that, except for a relatively few cases for which this bill allows a judicial bypass, parents are uniquely positioned to safeguard the best interests of their minor daughters and sons.

With your support of SCR-86, you will simultaneously restore the proper balance of power within two of our most critically important institutions: the family, by recognizing the rightful authority of parents in the lives of their minor children, and rejecting the claim that children are entitled to a zone of privacy from the parents who are responsible for them--

MS. STEFANE (Committee Aide): Time.

SENATOR KOSKO: Go ahead. Finish your statement.

MS. McLAUGHLIN: --and our State government by reining in the New Jersey Supreme Court's egregious abuse of power, when, figuratively, it tore up your reasonable, responsible law and threw it in the trash.

It is time for the legislative body to defend both parental rights within the family structure and its own legitimate role and authority as lawmakers.

I urge you to support and release SCR-86 today.

Thank you very much.

SENATOR KOSKO: Thank you.

P A T R I C I A S T A L E Y: Good morning, Mr. Chairman and Committee members.

I am here today as a parent.

I have been privileged to be present for both the Assembly and the Senate hearings on the parental notification amendment held over the last several months. I have been listening for even one satisfactory reason as to why our State Constitution should not protect the rights of parents to know when a minor daughter is seeking an abortion.

Not once did anyone give testimony that was persuasive enough to warrant my parental rights being severed or suspended. A State action that would terminate a parent's rights to know usually takes years and multiple court appearances to execute, even in the most abusive cases.

To categorize the statements given by those representing the special interests of the teen contraceptive and abortion industry would be to state as follows: That a pregnant teen is sufficiently mature to make a life-altering decision such as terminating the life of her child even though she is suffering in fear and isolation and while she is feeling physically and emotionally ill.

By opposing parental notification, they contend they are the only adults necessary to counsel a very young girl in what she certainly views as a dire situation. I have heard representatives from Planned Parenthood state that they encourage girls to tell their parents, and it may be the ideal, but ultimately, if the kids choose not to, or are afraid to, the abortion clinic personnel will guide them. In the abortion industry, parents are not viewed as necessary in their young daughter's life when she is considering an abortion.

Another assertion as to why we should not have our parental rights protected is that some parents may react abusively toward a daughter's news that she is pregnant and considering an abortion. Certainly, there are very dysfunctional families in our society; however, that fact is irrelevant to the

amendment at hand, since the passage of the parental notification amendment does not automatically institute a law. There will be ample time to craft a law that ensures parental rights and offers a judicial bypass mechanism.

The last category of opinions that oppose my right to parent my daughters comes from the self-proclaimed teen sexuality experts who have come to testify at each hearing. These people have controlled and directed school-based sex education for the last 30 years. Their methods have failed miserably as seen statistically by all private and governmental studies. Teen sexual activity has dramatically increased. Teen pregnancy has increased. Teen abortions have increased. Sexually transmitted disease in teens is rampant. To me, those who espouse professional opinions that wreak havoc on society lack credibility. I resent their attempt to interfere with appropriate family dynamics in a crisis situation.

It has become terribly obvious that there is no prevailing reason why the mothers and fathers of New Jersey should not have our legal rights protected by the State Constitution.

And I thank you today.

SENATOR KOSKO: Thank you. (applause)

DEBORAH JACOBS: The ACLU--

SENATOR KOSKO: I have all the people that -- when I announced it--

MS. JACOBS: --didn't get to testify last time.

SENATOR KOSKO: Who was that?

MS. JACOBS: Lenora Lapidus with the ACLU, and now I'm Deborah Jacobs with ACLU, who did not testify last time.

SENATOR KOSKO: Right now, we're going to call on Bret Schundler, the Mayor of Jersey City. (applause)

MAYOR BRET SCHUNDLER: Thank you very much.

I want to thank you for this Committee hearing. I want to thank you for this legislation.

One of the first questions I think we want to ask is: Do children have a right to life? I think they do. Do parents have a right to know before a surgery is performed on their minor children by some other adult, or for that matter, government institution? I think they do. Do children have a right to have a surgery without their parents even being notified of it? I don't think they do. If they did, we allow children to get any kind of surgery without any notification of their parent.

Now, there are some people who don't like the idea of natural rights being brought up. They think it involves far too much of a given belief system. They think rather than imposing an idea that there is such a thing as right and wrong, that we should just do what the majority wants. But if that's what they believe in, then what's wrong with going before the majority and asking them how they want to craft their State Constitution?

The bill you're proposing doesn't impose anything on anyone. What it simply does is it asks the people of New Jersey what they believe is right. Now, if there are those who say that they don't believe in the natural right to life, they don't believe in the right that parents have to know what's happening to their children, they think that the majority should rule, then what's wrong with allowing the majority to have their say? Why do they believe that

what we should do is have some small group of people be able to make a decision that no one can question?

That's what we're talking about here, whether there is any kind of philosophical consistency on the other side whatsoever, or whether what we want -- whether some is proposing -- is to simply allow a small coterie for the radical world to dictate to all the rest of us.

To me, this is a very fundamental issue. There is such a thing as a right to life. But whether you believe that or not, it's at least important in our Democratic tradition to let the people have their say.

Thank you very much. (applause)

SENATOR KOSKO: Thank you, Mayor.

Deborah Jacobs, ACLU.

MS. JACOBS: Thank you.

My name is Deborah Jacobs. I'm the Executive Director of the American Civil Liberties Union of New Jersey. The ACLU of New Jersey represents almost 8000 members in New Jersey.

After the Legislature passed the Parental Notification Act two years ago, the ACLU filed a challenge on behalf of several abortion providers and their parents from throughout the state. The New Jersey Supreme Court struck down the act, finding that it would significantly burden young women seeking abortion and could operate as a functional bar to a minor's exercise of her constitutional right to make her own reproductive decisions. The proposed constitutional amendment is an attempt to overturn that decision. Unfortunately, if passed, this amendment will pose grave dangers to teenagers' health.

In addition, by taking the drastic step of amending the State Constitution simply because the Legislature disagrees with a ruling of the New Jersey Supreme Court, the Legislature trivializes the Constitution and threatens to undermine the basic structure of our democracy. For this reason as well, we urge you to vote no on the proposed amendment.

The Legislature should not take amending the State Constitution lightly. The Constitution is a foundational document that establishes the basic structure of our government and guarantees the protection of individual rights. The Constitution provides for a tripartite form of government: the Legislature, which enacts the laws; the executive, which enforces laws; and the judiciary, which ensures that those laws do not infringe upon individuals' fundamental rights. While the Legislature is subject to the will of the majority, the judiciary's role is to protect the often voiceless minority, such as minors who cannot vote. Through this proposed amendment, the Legislature seeks to act as a super-judiciary, overturning a decision of the Supreme Court.

The Constitution provides guiding principles that are to endure throughout different eras. Restraint is important because constitutional amendments bind not only our own generation, but future generations, as well. Constitutional amendments may entrench policies or practices that seem wise now, but that end up not working in practice or that reflect values that cease to be widely shared in the future. Contested policy questions are more appropriately addressed through statutes that can be reexamined in light of the experience and knowledge available to future generations. A statute that is later thought to be unwise can be amended or repealed relatively easily. In contrast,

a constitutional amendment would require another difficult and time-consuming process of amending the Constitution to undo the first change.

Restraint is also important to maintain the Constitution as a document for all citizens in our pluralistic society. The citizens of this state have many different religious faiths and divergent political views. The Constitution is a unifying document that protects all, regardless of these differences. This unifying force would be destroyed if the Constitution came to be seen as embodying the views of any temporarily dominant group. It would be a huge mistake to read out of the Constitution any segment of society or any fundamental right. By stating that the Legislature may require parental notification irrespective of any right or interest otherwise provided in the Constitution, this bill seeks to write out of the Constitution the guarantee of equal protection. Equal protection is one of the most basic principles in our society. The Legislature should not callously disregard that principle for political expediency.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Nancy Pinkin, from the American Academy of Pediatrics.

NANCY PINKIN: Thank you.

On behalf of the American Academy of Pediatrics New Jersey, we reaffirm our position that the rights of adolescents to confidential care, when considering abortion, should be protected.

Adolescents should be strongly encouraged to involve their parents, and other trusted adults, and the majority of them voluntarily do so. Legislation mandating parental involvement does not achieve the intended benefit of

promoting family communication, but it does increase the risk of harm to adolescents by delaying access to appropriate medical care. The AAP acknowledges and respects the diversity of beliefs about abortion and affirms the value of voluntary parental involvement in decision making by adolescents.

We believe in assured access to timely medical care. And this is especially important for adolescents due to the personal and social and physical consequences of adolescents -- pregnancy. Anything that you do to put a barrier into the parental -- into the child's decision to come forward--

Should I wait for a second?

SENATOR KOSKO: For what?

MS. PINKIN: The children-- When they become pregnant, they delay access to care. We've heard two girls today -- two women testify today that they have delayed their access to care. When you put in these laws, all of the parental notification laws that have been in effect so far have not changed the outcome of whether or not children tell their parents. The child's perception that -- that fact that they have to tell their parents delays them to going forward. That is when they need the most important prenatal care, that is when they need access to highly educated adults who can give them guidance. If we put in this type of law, the only thing that it will do is make them take the alternatives of the other avenues that people were talking about, which is what we don't want to happen. We're trying to protect them to make sure that they do come forward to somebody, that if they do have problems with STD, that if they do have ectopic pregnancies, or any of those other issues, they don't keep waiting.

I have a lot of information in my testimony that we have given before that you can refer to. We look at the statistics in regard to what happens

when children have to have this parental notification. No state law requires a parent to consent to the minor's decision to continue pregnancy when the parent thinks that terminating the pregnancy is in the minor's best interest, or with few exceptions to place the infant for adoption. So this is where we get into the differences of opinion about what that impact of that parental notification has.

We strongly support preventing unintended pregnancies, having children have access to education materials, to abstinence, and to having access to birth control.

The risks of violence, abuse, coercion, and unresolved conflict and rejection are significant in nonsupportive or dysfunctional families when parents are informed of a pregnancy against the child's considered judgment.

The children usually know--

MS. STEFANE: Time.

MS. PINKIN: --when it's going to be a problem.

Just to summarize, the Academy of Pediatrics strongly opposes forcing parental notification. We want to maintain access to early prenatal care and early intervention in any pregnancy-related issues.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Karen Crivello.

KAREN CRIVELLO: I'm here today-- I've heard a lot of things about rights and-- But nobody has talked about the aftermath of abortion. Nobody has talked about what happens after you have an abortion and how you feel. And that is why I am here.

It is not easy to sit here before all these people and tell you that I've been through abortion not once, but twice. I have three daughters now, 13, 8, and 4. And I have talked to my oldest daughter about abortion and the devastation it can cause.

Thank God I have not had physical effects, although I have talked to plenty of women who have had physical effects. The emotional effects are devastating. And you don't feel them right away. Right after you have your abortion, you're relieved because the problem is over. Nobody had to know I was pregnant. Nobody had to-- I didn't have to have the shame of telling my parents or my grandparents.

Eight years later, I became pregnant with my oldest daughter and knew regardless of what happened, I was having this child. I could not go through another abortion. And because it was early in my pregnancy, the doctor sent me for an ultrasound. And what I saw on that screen confirmed every fear I had. It wasn't a glob of tissue. It wasn't a fetus. It wasn't any alien word. This was my child that I had taken out of my body, because I was ashamed.

That's when all the problems started. I had rages. I had bouts of depression. I was so fearful that I was going to lose the children I had. It affected my relationship with them.

I am now 38 years old, and just in the last two years I've had peace. And I know I don't sound peaceful today, but it is because I feel very strongly about this -- that I am here.

I talked to my daughter. She is proud of the stand I am taking. She is here with me today to give me support. I want everyone to know you have to address these issues. If you are going to address them -- girls are

responsible for their bodies and can get abortions, then they need to know the devastation it can cause. And they put a piece of paper in front of you, and you sign it. But at that point, you're not really reading what's on that piece of paper, you just want it over. You black things out. You don't want to know.

And it's when you're older -- is when you have to deal with it. And I just cannot express enough that this is not dealt with. We fight for rights. Yes, we do fight for rights. But I also want my daughters' emotional well-being to be on the line too. And I think all our children's well-being needs to be on the line.

Thank you. (applause)

SENATOR KOSKO: Thank you, Karen.

Patricia Leisman, from the ACLU.

PATRICIA LEISMAN: My name is Patricia Leisman. I'm 16 years old. And I attend Lenape High School in southern New Jersey.

I moved here from Minnesota a year ago almost. And I had a friend back in Minnesota. She was 11 when she found out about her first pregnancy. And at the age of 11, she made a sound, rational decision to tell her parents, because at 11, she didn't know any doctors, she didn't know where to go. So she realized that she was sick, and she called-- She told her mom, and her mom took her to the doctor. Her parents chose not to have an abortion. It was not her choice. Her parents chose not to have an abortion. And she almost died in labor. She was 11 at the time.

Two years later, she was pregnant again. She had realized that the first time she had almost died in labor and did not want to go through that again. And she made the decision that she was going to have an abortion,

having been through labor before, and having been through a whole trauma of pregnancy before.

And given the situation, she decided she was going to have an abortion. By this point, however, Minnesota had enacted its parental consent law. And so she was required by law to tell her parents. And her parents decided she was not going to have an abortion, and she was forced to go through a nine-month pregnancy and have another child and give up another child for adoption, because her parents made the decision. She had no right to make this decision herself.

And I have friends now who have been through the same situation or similar situations. And I am 16 years old, and I know many, many girls who are dealing with pregnancy, dealing with abortion, dealing with this, dealing with that, and they have to decide for themselves. Children-- Teenagers know how their parents feel about certain issues. Teenagers know whether their parents are pro-life or pro-choice, whether their parents support one side of an issue or another. And they know whether or not their parents will take a side on this and will force them to do something they're not ready to do one way or the other.

And it is not appropriate to be legislating a decision that affects the outcome of somebody's life. It is not appropriate to be legislating that somebody must inform their parents when they know that their parents will not be for this decision.

And I suppose this is all I have to say. I feel very strongly that this is a very important issue, and that young girls -- minor girls should be allowed to make this decision for themselves. I know girls who-- Most girls I know

would tell their parents. But most girls I know also are able to make the decision for themselves.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Richard Collier.

RICHARD F. COLLIER JR.: Good morning.

I submitted written testimony when I was here in December, and I ask that that be included in the record. As an attorney, I responded to the legalistic objections that have been made.

I just want to make two global comments this morning. First, it's hard to imagine an institution more radical in its support of abortion and women's rights than the United States Supreme Court. But even the United States Supreme Court has held that parental notification is not a violation of women's rights, it's not a significant burden on women.

Parental notification is constitutional under the Federal Constitution and the laws of most other states -- 30-some-odd states. This bill, if it's passed, would simply -- and the people adopt this amendment -- it would simply restore New Jersey to the mainstream of constitutional law in this country. It is not a threat to women's rights. Women and their rights would be fully protected by the Federal Constitution, which, of course, is the supreme law of the land and protects everybody in every other state. So why should New Jersey be a radical fringe state that has some other viewpoint on the rights of parents?

Secondly, we heard this morning, and we've heard throughout the hearings, things like this: It's scary to have the Legislature reverse a decision of the New Jersey Supreme Court. It trivializes our Constitution.

Well, that's not what we're talking about here today. We're not talking about the Legislature doing anything, but rather the people of New Jersey voting on a fundamental policy decision. In a democracy, letting the people decide a fundamental policy issue is not scary, it's not trivial. It's the foundation -- the very foundation of our system of government.

What the objectors want you to do is exactly what is going on in the whole issue of parental notification. They want somebody else to make the decision for the people. They want you, the Legislature, to bypass the people and not let the people make this decision for themselves. It's a fundamental policy decision. It should be submitted to the people to be voted on this November on the general ballot so that the citizens and parents and former children of New Jersey get to vote on this fundamental issue and decide it for themselves.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Alyson Becker, from the League of Women Voters.

A L Y S O N A. B E C K E R: Good morning.

My name is Alyson Becker. I'm from the League of Women Voters of New Jersey.

The League of Women Voters of New Jersey is opposed to amending the Bill of Rights in the New Jersey Constitution. ACR-2/SCR-86 should not be placed on the ballot asking voters to give the Legislature the right

to require parental notification before a minor child undergoes any pregnancy-related medical or surgical procedure.

Constitutions are written to protect individuals and to define the balance of powers between the three branches of government. The Bill of Rights in our Constitution should not be amended to diminish the current rights and health of one class of citizens, adolescent females. The legislation skews the balance of power between the three branches of government, carving out one area of legislation without oversight by the judicial branch. Legislative frustration with a court decision is not a good reason to amend our Constitution. ACR-2 and SCR-86 are not good public policy.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Tracey Vieira, from North Arlington.

TRACEY LYNN VIEIRA: Good morning.

My name is Tracey Vieira. I'm a resident of North Arlington, Bergen County. I am 17 years old.

SENATOR KOSKO: I'm sorry, president of what?

SENATOR BUCCO: Resident.

MS. VIEIRA: Resident.

SENATOR KOSKO: Oh, I thought you said you were president of something.

MS. VIEIRA: No, I wish.

I am 17 years old, a junior in high school.

I would like to think of myself as an average teenager, if such a thing exists. I don't like my parents telling me what to do, and rebellion is a

regular occurrence for me. I live with choices every day as a junior in high school.

All around me, I see a lack of respect for life among my peers and friends, which is evident by rampant use of drugs, violence, and sex. This leads to a great sense of apathy. We often turn to things that promise to offer an escape from life and problems in general. I know myself. I look for solutions that would provide solutions for today instead of thinking of the consequences for tomorrow.

I can tell you that teenage pregnancy is one of the most feared situations teens can find themselves in. We often need something that would offer a quick fix to something which would get us into even more trouble. But to be perfectly honest, the decision whether to have an abortion should not be in the hands of 13, 14, and 15-year-old girls. I like to think of myself as a rational 17-year-old, and I'm not capable of that decision. I don't trust myself. In a rational state of mind, I would need the guidance of my parents. When I'm most vulnerable, I would hope that the government would have something in place to compensate for my lack of rationality at that time.

The State just recently raised the driving age to 18 because we need more responsible drivers, yet a 13-year-old can walk into an abortion clinic and get an abortion without their parents even knowing. If I am responsible enough to decide whether to have a child or whether to give that up for an abortion, then I should be responsible enough to vote. But the Constitution says that the age where we reach rationale to be able to pick the next President of the United States or our Senators is 18. That should also be the case for an abortion. That's no different.

It's a shame that many teens go through with an abortion without proper guidance to make these decisions. I'm sure abortion clinics offer their best guidance possible, but in reality, every patient that comes in there for an abortion is a dollar made.

I can't go on a field trip without my mother's permission slip, medical information, but I can walk into an abortion center, and my parents would never know.

MS. STEFANE: Time.

MS. VIEIRA: Just in closing, all I'm trying to express is a viewpoint of an average teenager. And I would hope that there was something in place that if I or someone I cared about was in that situation -- would prevent the potential of a lifetime of trauma.

Thank you very much for your time and attention. (applause)

SENATOR KOSKO: Thank you.

Elizabeth Noyes of Planned Parenthood.

ELIZABETH NOYES: Good morning.

SENATOR KOSKO: Good morning.

MS. NOYES: I'm Elizabeth Noyes, Marketing Public Information Coordinator at Planned Parenthood Association of the Mercer Area here in Trenton, New Jersey.

I come here today, on behalf of my agency and the more than 12,000 women, men, and families that we serve each year, to voice opposition to SCR-86.

Although the wording of the amendment has been changed to include parental notification only for those procedures or treatments relating to

pregnancy, the underlying problems with the original legislation persist. First and foremost, mandating parental notification for pregnancy-related treatment and services is dangerous to minors. Experts who work with minors, and minors themselves, report that confidentiality is one of the most important factors in their decision to seek health care. Many of our patients would either delay or forego necessary treatment altogether if they had to notify their parents. Young women should not be forced to choose between their health and their privacy.

Second, although it is not explicitly stated, one obvious target of this legislation is abortion. However, this amendment would go far beyond abortion. Any confidential reproducing health or medical service currently being offered to young women could be at risk, including family planning services, birth control, screening, and treatment -- could be subject to mandated parental notification if the woman is pregnant when she seeks professional attention or advice.

Finally, although at Planned Parenthood we always encourage minors to involve their parent or parents in their health-care decisions, it is impossible to mandate good parent-child relationships. The majority of young people already involve their parents in medical decisions. And the ones that don't involve their parents have good reasons not to involve their parents.

While almost everyone can agree that in an ideal world, every child would have caring and involved parents, the reality is that for many minors, telling their parents about medical decisions they are making could be dangerous or even life-threatening. Parental notification laws are not needed for the minors who already involve their parents and potentially devastating for the ones who cannot.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Jenna Sheinfeld.

J E N N A S H E I N F E L D: Thank you, Chairman, members of the Committee.

My name is Jenna Sheinfeld, and I'm here today on behalf of the New Jersey Chapter of the Society for Public Health Education, otherwise known as New Jersey SOPHE.

And I'm here today because New Jersey SOPHE, which represents over 2000 public health educators in the State of New Jersey, strongly opposes this constitutional amendment. There are many reasons that we oppose it, and all of them relate to--

We heard someone talk today about the global situation, not just focusing how this amendment -- not just looking at how this amendment focuses on abortion. But we like to look at public health, which is a population-based approach to many issues. And one of the very, very damaging parts of this amendment that we're concerned about is that it contradicts one of the two main goals of Healthy People 2010, which is a Federal document, I'm sure all of you are aware of, and Healthy New Jersey 2010, which is to eliminate health disparities.

This constitutional amendment would only serve to create disparities between minors and adults, between males and females, as it would affect females and not males, and also between rich and poor.

One thing I'm struck by, by looking around this room today, is also the fact that there's-- I've glanced around -- but it's an extremely white room.

This amendment would disproportionately affect nonwhite citizens in New Jersey. And I'm concerned that their voices aren't being heard.

This amendment also puts minors at risk by delaying procedures. And this also, in addition to termination, includes prenatal care. So we know that in every case, anything related to pregnancy, it is much more healthy for the minor to receive -- or the women to receive care as early as possible.

This amendment also erroneously assumes that you can legislate communication, which we know that you cannot do. I have a list of references that I'll give you, but we know that from past experiences most minors do tell their parents, at least one parent. And that would be ideal, and that's great. And I think that probably everybody in this room would want to work towards that type of communication. But we also know that for reasons known only to that minor, most of the people who don't -- they have a very good reason. And in 30 percent of the cases of people who don't tell their parents, they've experienced violence in their family or feared violent repercussions.

We also know that this amendment could have devastating impacts on the teenagers who are forced to bear children when they don't want to. We know that teenage girls are more than 24 times more likely to die from childbirth than from first trimester legal abortions and that there's many other facts that support why this amendment is not good public health policy.

As a public health educator, I'm very concerned with getting information out to people so that they can make informed decisions. Simply because someone is not 18 years old does not mean that they're unable to make a decision. Young people have rights, and they should not be forced and coerced to involve their parents.

Again, it's ideal to have a minor have someone to speak to. And as you've heard everybody say today, really, we're all here for the same thing. We're concerned about the rights of our young people. This amendment simply does not protect their rights and does not protect their health.

One thing, also, that I just wanted to say was thank you--

MS. STEFANE: Time.

MS. SHEINFELD: Okay.

Thank you. Thank you for allowing me to testify today. I'm always struck by how wonderful our system is. And I just want to create a system where everybody still has a right to say what they want and to do with their body what they wish.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Racquel Frederiks.

RACQUEL A. FREDERIKS, ESQ.: Good morning.

My name is Racquel Frederiks. I'm an attorney at law in the State of New Jersey.

As I was preparing for what to say today, I was reminded of a story I once heard about a little boy who decided to run away. He was five years old, and he was carrying his suitcase and decided to walk around the block with his suitcase. An older gentleman had asked him what he was doing. He explained to the man that he was running away. And then the gentleman asked him, "Well, why do you keep walking around the block then?" And the little boy said, "Because I'm not allowed to cross the road without my mommy."

Today we're not here to discuss the issue of whether a five-year-old

can cross the street without an adult, or whether a five-year-old should run away from home. The issue is much more complex, but the underlying principles are still the same. We recognize the fact that parents have the right to counsel, direct, and raise their children in a way that will impact their lives. This fundamental right exists whether the child is five years old or 16 years old.

As you consider the proposed amendment today, there are several points that I would like to address. The first issue is regarding parental rights -- is recognizing that parental rights have been consistently recognized in other areas of a child's life. Parental notification or consent is commonly required in other situations involving unemancipated minors. They would be medical procedures. If a minor was going to have their tonsils removed, a doctor would get the consent of the parent before removing the tonsils; ear piercing, there would be consent; as well as disbursement of aspirin in schools.

We recognize that parents have the right to be involved and informed about the aspects of the child's life. Why should this be any different when involving a medical or surgical procedure involving pregnancy?

As Mr. Collier has already addressed, more than 33 states across the United States have adopted similar notification laws when there involved a medical or surgical procedure relating to the pregnancy of a minor. The United States Supreme Court has upheld these types of statutes when there was a proper judicial bypass put on them. By adopting this constitutional amendment, the New Jersey Legislature would be restoring the State of New Jersey to the mainstream of constitutional law.

I would also like to bring up a fact of a *CBS-New York Times* poll that was done in 1998. They polled people across the nation, and it was

determined that 80 percent of the people -- of the respondents of that poll supported some kind of parental involvement, consent, or notification.

On that, it was also addressed that we cannot ignore the fact that there's overwhelming support for parental involvement in a child's life. No matter what your position may be on the issue of abortion, it cannot be denied that the majority of the people support parental notification.

I'd also like to address the fact that New Jersey Constitution Article 1, Section--

MS. STEFANE: Time.

MS. FREDERIKS: 2-A--

I'd just like to thank you for your time. (applause)

SENATOR KOSKO: Thank you.

Laurie Lowenstein.

L A U R I E L O W E N S T E I N: Good morning. Thank you for the opportunity to speak.

My name is Laurie Lowenstein. I'm the Executive Director of New Jersey Right to Choose.

On Tuesday, I was present at a news conference sponsored by the Women's Center of Monmouth County. Assemblymen Joseph Azzolina and Sam Thompson were present to draw attention to April as Child Abuse Awareness Month. They remarked that Acting Governor DiFrancesco was also in support of the effort to eliminate child abuse and neglect in New Jersey. It was reported that there were over 80,000 reported cases of child abuse to DYFS this past year and 27 deaths in 1999 from maltreatment.

The Assemblymen expressed concern over the staggering numbers and devastating impact child abuse and neglect have on the children of New Jersey. They noted that teens are particularly at risk of becoming abusive parents and concluded that education was the best way to prevent that abuse.

They are right, that education is a powerful tool. But they neglected to acknowledge that the best way to prevent child abuse and neglect is to not have unwanted children in the first place. We must make it possible for women of all ages to determine when they wish to be parents, of how many people, and who they trust with their decision making process. Victims of abuse are at a higher risk of becoming abusive parents. An abused teen cannot safely share the news of an unintended pregnancy with her abuser. How better to reduce child abuse and neglect than to give support to the young women who are wise enough to know who they can trust and that they may not yet be ready to be parents?

Reducing access to services regarding an unintended pregnancy adds danger through delay, denial, and invites personal disaster. Tragically, once they are here, children are then in danger of neglect and abuse by angry, resentful, unprepared, and unwilling parents.

Equal access, regardless of age, marital status, or financial status to confidential, high-quality, comprehensive reproductive health care, including abortion, birth control, and education -- in other words working to make every child a wanted child -- is the first line of defense against child abuse and neglect in this or any other month.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Alda Atkinson.

A L D A A T K I N S O N: My name is Alda Atkinson. I appreciate this opportunity to speak.

I think it's very unfortunate that all of this is necessary, because we did have law -- a parental notification law. And our former Governor signed it. And I think it was unconscionable of Judge Deborah Poritz to strike it down. We know that parental notification is a very important facet, otherwise it wouldn't be a law in so many states already.

Parents may not always be perfect, but parents are parents, and they are the logical ones who have the right and responsibility to guide a child, even in such a serious and devastating situation as an unexpected pregnancy. After all, the child is going to be devastated if she has the abortion, and I find it extremely unpleasant that all the well-crafted rhetoric that we hear from the groups who are against the amendment are all groups that I think -- my opinion -- have a stake in abortion. And they simply don't want the parental notification, because we have seen throughout the country that states that have a parental notification law have a significant decrease in abortions.

I also want to mention that some years ago, a friend of mine -- a student at Princeton called me late one night. She said, "Do you know whether there is a support group for parents whose daughter has died from an abortion?" Well, I was stunned. I never heard of such a thing. She told me that friends of hers had a 15-year-old who came home from school not feeling well, lying down on the couch, and during the night she quietly bled to death. They had no idea what was the cause. And eventually, some of her friends came forward to say she had an abortion. It was actually her second.

Now, what kind of a situation is that for parents to be in? Furthermore, abortion is frequently damaging, we know that, physically and emotionally. And who has to pick up the pieces if this child is damaged -- 13-year-old -- whatever it might be? They have to take care of her and pay the medical bills, and they have the additional emotional obstacle between them that they never knew what was going to happen.

I think that it's logical. It's obvious. We need such a law. We're getting the girls from Pennsylvania. Someone mentioned earlier abortion is -- New Jersey is number one in abortion. They're coming here from an area where there is a parental notification law. That's terrible. But New Jersey needs this law, as well. This amendment should be passed, should be on the ballot in November, and anybody who really wants to see abortion become rare should be in favor of the amendment and in favor of the law.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Dr. Natalie Roche. Dr. Roche.

N A T A L I E R O C H E, M.D.: Good morning to the Chairman, and thank you for the opportunity to testify.

My name is Dr. Natalie Roche. I'm an obstetrician, gynecologist, board certified, and a member of the American College of Obstetrics and Gynecology. I have practiced gynecology and obstetrics for 20 years and have had a special interest in pediatric and adolescent GYN for 13 years. I'm currently an Assistant Professor of Obstetrics and Gynecology at the New Jersey Medical School. I have other credentials, but in the interest of time, I will just submit my testimony.

I'd like to speak as the representative of the American College of Obstetrics and Gynecology and as an advocate for the excellence in health care for women and children, and as a mother of two adolescent children, one of whom I brought with me today.

I have William in the back.

William, would you like to stand up? Don't be shy.

Well, he'll at least wave.

I'm opposed to the proposed amendment to the Constitution, and the American College of Obstetrics and Gynecology is also opposed to this legislative mandate that would force minors to notify parents before undergoing procedures related to pregnancy in any form.

We're opposed to the proposed legislation, because it's contrary to good medical practice. Our view is supported not only by our organization, but also by the American Medical Association, the American Public Health Association, the American Academy of Pediatrics, to name a few.

We've all come to this view, because the protection of patient privacy is of paramount importance when you consider health. We know from many, many surveys that young people will not come forward for medical treatment or will delay care in ways that are very harmful to their health if parental involvement for care related specifically to sexuality is mandated.

The reluctance to come forward for treatment is a common issue for young adults, and delays in health seeking behavior can be extremely damaging. Any measure that would impair the ability of young people to come forward for diagnosis and treatment or prevention of health problems cannot be supported because of its harmful nature.

The issues of premature sexual activity in our state, and also in our nation's young people, is clearly a serious issue. Teen pregnancy, sexually transmitted disease, the fallout from the emotional consequences of early sexual contact are all major medical, social, economic issues that our society faces.

As we struggle to address these issues, it is vitally important to first do no harm. Mandatory notification of parents, as outlined in the proposed legislation, places young people in New Jersey at medical risk. Delays in diagnosis and treatment, the failure to prevent pregnancy, as well as treat pregnancy-related problems, place the health, the fertility, and even the young lives of people at risk and cannot be supported by a legislation that is charged with the care of all of us.

So many of us in the medical community care for your children and care for the children of the State of New Jersey. We spent countless hours encouraging--

MS. STEFANE: Time.

DR. ROCHE: --parental involvement and do it successfully. We see the decrease in sexually transmitted disease, pregnancy, abortion, the teen birthrate. And what we would like to do is continue our excellent relationship with children and continue to work to prevent the problems that we face. This is a health issue.

And as a person who's spent years taking care of the sexually abused, I have to plead with you to please not use this proposed legislation in a way that would be devastating to this particular population of the neglected and abused. Please do not close the health door to this population -- the

children who are particularly vulnerable to the issues I have mentioned. Please support your medical community and vote no to this amendment. (applause)

SENATOR KOSKO: Thank you.

Christina Staley.

CHRISTINA STALEY: Good morning.

SENATOR KOSKO: Good morning.

MS. STALEY: My name is Christina Staley.

And as a 17-year-old who is just beginning her driving experience, I have been led to realize how much responsibility I have not yet been presented with by my parents. No matter how independent I sometimes feel, I always have to come to my parents for advice or support when I face a difficult problem. Responsibility is a difficult skill to be learned and, when not mastered, can lead people into troublesome and often painful situations. Therefore, our parents know how and when to gradually give us our freedom.

Teenagers who still live under their parents' roof and use their money should inform them of any problem they are having, especially one of such a great importance as a crisis pregnancy. Girls in their minor years do not have enough practice with their few years of life to be making life-changing decisions to terminate their child.

There is a long process in schools today that if a student is required to take some sort of medication, prescription or not, they must obtain a written note from a doctor and their parents. This law holds to even something so trivial as Advil or Tums. Why, then, do we trust these same students to decide to have a dangerous operation with no parental consent and no questions

asked? I strongly support an amendment to the New Jersey Constitution on parental notification.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Scarlet Johnson.

S C A R L E T J O H N S O N: Good morning, Mr. Chairman, members of the Committee.

SENATOR KOSKO: Good morning.

MS. JOHNSON: My name is Scarlet--

SENATOR KOSKO: Republican Pro-Choice Coalition.

MS. JOHNSON: That's correct. I'm the Co-Chair of the Republican Pro-Choice Coalition here in New Jersey.

I'm very disappointed that the Legislature is calling for a constitutional amendment to require parental notification for any minor seeking a surgical or medical procedure related to pregnancy.

This amendment is a thinly veiled attempt to prohibit minors from having safe, legal abortions. By passing this amendment, the Legislature is working to overturn the New Jersey Supreme Court ruling that reversed the parental notification act. The role of government, as I understand it, is that the Legislature and the executive branch of government make and execute the laws, and the judicial branch interprets and applies them. The Court has spoken, and I'm wondering why their decision is being ignored.

The goal of this bill is to ensure that a young, pregnant woman tells her parents if she makes the difficult decision to terminate her pregnancy.

Unfortunately, not all young women are able to approach their parents about this difficult issue.

Every parent hopes their daughter would be able to come to them for counsel. However, in those families where minor women feel they cannot talk to a parent, parental notification creates yet another barrier for young women to make a safe and informed decision.

A reality today is in society we have many broken families. Not every child has two loving parents, or in some cases even one or is in a situation when she feels that she can talk to her parents about a decision.

As concerned citizens, we can encourage but not mandate that a young woman faced with this difficult decision has an adult in her life she can turn to for guidance. This amendment will turn an already trying and emotional experience into one filled with added stress and pressures.

I have a hard time understanding why a party that prides itself on individual responsibility wants to be so involved in the personal lives of New Jersey families.

I am a Republican because I believe in individual liberty, fiscal responsibility, and smaller government. When it comes to this issue, I feel government is involving itself in the personal lives of New Jersey families. That is not a characteristic that I associate with the Republican Party. Politics and personal choice should be kept separate.

Thank you very much for your time. (applause)

SENATOR KOSKO: Thank you.

Stephanie Carter.

STEPHANIE CARTER: Good morning.

I am Stephanie Carter. I am 20 years old, and I'm a resident of Pennsylvania.

When I was 17, I found out that I was pregnant. And I went to my guidance counselor for help. My guidance counselor repeatedly and consistently coerced me to go over to New Jersey to have an abortion, because New Jersey law is a lot different from Pennsylvania law. Pennsylvania law requires parental notification and a 24-hour stay-over before the surgery.

I was very troubled about the abortion, because it goes against most of my religious beliefs. But when I told my guidance counselor about this, he just kind of laughed at me and said, "Welcome to the adult world. Someday you may look back on this and laugh. Time heals everything."

When I went to go for my abortion in May of 1998, I had to give my money up front. They only accepted cash, no personal checks. They did accept credit cards. I never spoke to a doctor before my procedure. I was never informed of all the risks involved, of possible complications during the procedure or after the procedure. I was never told of the consequences, emotional and physical, that would come as a result of my abortion. So this decision to have an abortion was not truly informed. Though I didn't tell my parents, and I was given "counseling," it was not truly informed.

After I woke up from my anesthesia that day, I found that my bag of clothes, my purse, my shoes, all my personal belongings that I had brought for the day were missing. Somebody had taken them. And the clinic was responsible for keeping track of them, so I left the clinic bleeding, with no underwear, no clothes. I was wearing scrubs that they had given me and those little surgical shoes that surgeons wear to cover their feet.

The friend that I had brought to drive me home was not a very good driver, so I took over the wheel. I drove from New Jersey back to my home in Pennsylvania, still kind of groggy. And the next day I woke up to take my SATs.

Because of the guilt that I suffer every day and the emotional stress that I have, makes it very hard for me to want to go on with my life. Along with the emotional damage that I have, I also have a greater increased risk of developing breast cancer and some other possible complications with future pregnancies.

If I had been unable to come to New Jersey and evade the Pennsylvania law of parental notification, I know that-- I can't say what would have happened. I don't know what would have happened had I told my parents, but I know that the emotional damage and the future risks of physical problems would not have been what they are today.

MS. STEFANE: Time.

MS. CARTER: Thank you. (applause)

SENATOR KOSKO: Thank you.

Dr. Arnold Pallay, New Jersey Academy of Family Physicians.

ARNOLD I. PALLAY, M.D.: Correct.

Good morning, Mr. Chairman and members of the Committee.

My name is Arnold Pallay. I'm a family physician in private group practice in Montville Township in Morris County. As part of my practice, I am very active in women's health issues, where I also practice and teach obstetrics. However, I do not perform abortions. I'm also the parent of four children.

Currently, I serve as President-Elect of the New Jersey Academy of Family Physicians. I'm here today in that capacity, representing the more than 1800 physicians, physicians-in-training, and medical students who have chosen to specialize in family medicine.

We are extremely supportive of the family unit and strong parental involvement in medical care for their children in most cases. We are, however, as a group, in strong opposition to this proposed constitutional amendment, which has the potential to drive a wedge between physicians and their patients. We oppose the amendment on both medical and legal grounds. But today, I'd like to discuss how it might affect the people most important to us, our patients.

The potential issues that are likely to arise as a result of this amendment have chilling effects on patient care. As family physicians, we are trained to care for the whole person, indeed the whole family. Family physicians place the highest value on our relationships with our patients and their families, relationships that are built on trust and confidentiality. We are not only responsible for our patients' physical health, but also their emotional well-being.

Unfortunately, since there are no stated exceptions built into the proposed amendment, physicians can easily imagine cases where a child who has been abused by a parent or guardian is unable, or worse, afraid to seek medical care. Under current law, a minor may consent to his or her own treatment without the consent of a parent or legal guardian if, in the opinion of the treating physician, the minor appears to have been sexually assaulted. The minor's parent or guardian must be notified immediately unless the attending physician believes that it is in the best interest of the patient not to do so.

Under the proposed amendment, the decision is made by the State unequivocally and without regard for individual circumstances of which the physician will likely be aware. This will likely result in roadblocks being placed in the way of adolescents seeking out proper health care, a group that already is sadly deficient in obtaining such health-care assistance.

In short, the New Jersey Academy of Family Physicians believes that the State should not directly interfere with the physician's right and mandated privilege to practice medicine. We spend numerous years of training to offer not only scientifically based advice to our minor patients, but perhaps more important, we offer the art of individualized medical care of significant conditions such as teenage pregnancy.

As proposed, this constitutional amendment is an impermissible intrusion into the sacred physician-patient relationship. It is simply bad medicine to interfere with this most important relationship when there is really no medical benefit that will be accomplished by doing so.

Clearly, the physician currently has the discretion to notify a parent or guardian if he or she deems it appropriate. And the physician is, we believe, in a far better position to make that determination on an individual case-by-case basis, rather than the position of the Legislature making a generalized broad-based decision.

This proposed amendment would completely strip away my right as a physician to practice medicine the way I am trained to practice, based on the physical and emotional needs of my patient.

SENATOR KOSKO: Finish your sentence.

DR. PALLAY: Okay.

Well, I thank you for giving us the time to testify. (applause)

SENATOR KOSKO: Patricia Burke.

P A T R I C I A B U R K E: This is a very difficult thing for me, because for the past 20 years, I have held a secret.

And I'm going to first start out with a quote that I always thought was great from Mark Twain, which said, "When I was 18 years old, I couldn't believe how far my parents had gotten being as dumb as they were. But by 21, I was amazed at how much they learned in three years."

And with that thought, at 17, I became pregnant. With peer pressure-- I came from a good family with great parents. I had lots of siblings. But I have a secret that I have not shared, because the boy who got me pregnant wanted it to go away. So I went to Bergen County, an hour from home, and had an abortion. For the past 23 years, I have lived as a victim with the pain and the hurt caused by these people who have misguided compassion for women, because no one cared what happened to me after I left.

The sad thing is that I didn't know my medical history. I had never been to a gynecologist. I never had a pelvic exam. I was on a table about ready to go out before I ever saw a doctor. I never had any guidance. I didn't realize that my family had a history of Mediterranean anemia that would plague me for the rest of my life. I had no idea that my mother had a problem with the anesthetic that I also had. I left that place in pain, groggy, upset.

When I got home, my mother asked me what was wrong, and I said, "I don't feel good." I went to bed, and for the next month, I cried myself to sleep thinking what I had done was awful. I knew that it was not a blob of tissue. I knew that it was a human being. I have struggled for 23 years to make

sure my daughters know that they are independent persons, that they have the right to do as they need to do, but they need to be responsible, and I was not responsible.

The day that I held my oldest daughter in my arms, and I looked at the beautiful face, I thought, "What kind of monster destroys this?" And for years, I lived with this secret that I had to get up from the table when these things came about because I had done something that I regret for the rest of my life. I have not heard any woman saying, "I'm glad I did this," because the greatest accomplishment as a woman that I ever made was not my career, not any house or any car, but the three beautiful children that I have who make my daily life what it is.

By not being able for my parents to be part of a decision that wreaked havoc on my life until I met the man that helped me through it, who really brought me out of it, and who was a wonderful husband and father, I can only say that--

MS. STEFANE: Time.

MS. BURKE: --there are two types of women, those like me who are able to walk away from it and somehow come again, and those who are destroyed by it.

I would ask you why they don't want you to know, because there are victims like me out there who are silent and who, if put to a vote, will tell you it is important for your parents to know.

Thank you. (applause)

SENATOR KOSKO: Thank you, Patricia.

Kelly Johnson. Kelly Johnson.

KELLY JOHNSON: Okay. First of all, I'd like to say thank you for hearing me.

I'm just a student at the College of New Jersey actually, and I came here because this bill was brought up in one of my classes, and I wanted to see what it was all about. So I decided, if I felt like it, maybe I would come testify. After sitting here, I'm glad that I did.

I am definitely against this proposition, I guess, or amendment to the Constitution for a few reasons, I guess. Let me start off by saying I keep hearing people say that -- or girls say -- or females say that you have to let your parents know. You have to let them in on it. I am not saying that you should not involve your parents, but that choice should be up to the female that is going to have that abortion. That person -- that female has the right to their own body and should be able to make the decision on their own. If they feel that they want to tell their parents, or if they feel they need the support and they want to, I say, sure, tell your parents. I'm in favor of telling your parents, but I'm also in favor of a woman's right to chose whether or not they want to tell their parents.

I also heard someone come up here and use the word mainstream, saying that if this law gets passed -- this amendment to the Constitution gets passed, then we'll be like the rest of the country, we'll be mainstream. I'd just like to say, look back at history. Everything was once mainstream. Women didn't have the right to vote back in the 1800s, and now we do. That was mainstream.

Why doesn't New Jersey-- I think it's great that New Jersey already has laws on the books that are not mainstream, because I think that's the right thing to do. It's not always right to be mainstream, and history shows that.

I'm also disturbed by people using the term abortion clinics. There's really-- There's no such thing as abortion clinics. There's women's health centers and women's health clinics. These are trying to help women decide what to do and how to -- what their right is and how to use their bodies. It is a female's right to decide what and how -- what they want to do and how they want to go about doing it.

Basically, that's all I want to say. I just wanted to get up here and be a voice for the opposition and say that this amendment should never pass, and I really hope it doesn't.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Arthur Shoremount.

ARTHUR SHOREMOUNT: Twenty years ago, I saw a girl go into an abortion clinic and never come out because they took her out through the back door.

A nurse told me where she was. She had been taken to a local hospital. When I went up to see -- I found the grandmother praying over a teenage girl whose face was swollen, giving way to death. She never did recover.

This is just a tragedy that could have been averted. Do what you can do make sure that it doesn't happen again.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Susan Waldman.

S U S A N J. W A L D M A N: I'd like to thank you for the opportunity to testify today.

My name is Susan Waldman. I'm speaking as a private citizen against the passage of SCR-86.

It is clear to me, based on prior legislative sessions and hearings, that SCR-86 and ACR-2, which I have attended, that this legislation is meant to restrict access by minors to abortion services, although it does not mention abortion. As an added bonus to supporters, it could also be used to block access to contraceptives and contraceptive counseling.

I am a firm believer in the Golden Rule: "Do unto others as you would have others do unto you." This principle, common to most of the world's religions, would make the world a better place if it were actually practiced.

Having said that, I must say that one of the things I fear the most is religious fundamentalism. The First Amendment of the U.S. Constitution states that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

If, by means of this proposed constitutional amendment, you impose the beliefs of religious fundamentalists on all of us, especially with regard to abortion, birth control, and reproductive services, you are acting contrary to the rights guaranteed by the First Amendment. Government must not favor one religion over another, or the religious over the nonreligious. Religion is personal. It should not be something you force on other people.

Our State Constitution, like the U.S. Constitution, provides for three branches of government. This separation of powers prevents abuses of authority, with each branch of government given its own responsibilities. By passing legislation that allows you to override the Supreme Court, the Legislature is nullifying the purpose of separation of powers.

By placing restrictions on abortion services, do you think that abortion will just go away? Have you spoken to nurses and doctors who had to deal with the aftereffects of botched back alley or self-inflicted abortion attempts before abortion was legalized? I believe that the religious taboos surrounding abortions in this country are a major factor in why teenagers continue a pregnancy only to literally throw the babies away. If this is what happens when abortions are available without parental notification, what will the outcome be when notification is mandated?

I am sorry if the supporters of this legislation are tired of hearing that you can't legislate family communication or happy families. They will just have to face the fact that this is the truth.

And then in addition to my written testimony-- I keep hearing people saying that they regret decisions. Everybody has decisions that they regret. This is life. You make the decision. You do what you think is right for you at the time. If, 20 years later, you think maybe that wasn't the right decision, that's it. It was right for you at the time.

Also, a person said that she never met anybody who had an abortion who said that they were happy. And I have to say that I have known many women who had abortions at whatever age, and were very happy that they

were able to have the abortion, and they have no regrets, and they were not psychologically damaged.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Susan Phelan.

S U S A N P H E L A N: Thank you.

I'm here today as a private citizen, a voter, a parent, and also as a woman who has gone through this supposed women's health clinics. They're not. They're abortion-- It's an industry. It's a cash industry. All they're concerned about is making money.

I was a young adult -- a voter. I was of age when I made my mistake. And this was presented to me as a way that would neatly and cleanly take care of the little mistake I had made, and then I could go on with the rest of my life. But unfortunately, it doesn't work that way.

Every woman is different. Some women regret it and understand what they did immediately after, and some of us live with it repressing it for years before they realize that a lot of the things and the emotional stress and the way it's manifesting is caused by the abortion. It creates guilt and shame that you live with. It's a dirty little secret that you keep in the closet. And it's worse than the unplanned pregnancy. And it does affect your life. And it affects the people around you.

Nobody asked me, "Do you think you would rather have it -- give it up for abortion?" They merely said, "Do you think you know what you're doing? Sign this paper." They took my money and led me to a waiting room. From there, they led me to where I had the procedure. And the only bit of

sympathy or compassion or concern that I received that day was from the nurse, as I lay there crying my eyes out on the table, who said, “Don’t worry, honey, it’s almost over.”

From there, I was sat in a room by myself crying my eyes out, not really understanding why I am crying. This is supposed to be my fix. This is supposed to solve all my problems -- my little mistake, and everything should be fine afterward. But unfortunately, it’s not like that. You live with it. And it--

As a young adult going through this, I cannot imagine a 16-year-old child who may be intellectually capable of making decisions -- whatever, but it’s much, much different when you go through it, when you live through it, and when you live with it day to day.

I saw a sign once. It was simple mathematic equation. It said, “One abortion equals one dead and one wounded.” And that’s exactly what it is. There is a baby-- It is not a blob of flesh. And when you take that life, you live with it for the rest of your life. It is a sentence.

And I’m finally coming to a point in my life where I can forgive myself and to try to move on and to gain some peace with the choice that I made.

And I just wanted to say thank you for allowing me to speak and the time and to please, please pass this. Our children need us.

My daughter Mallory, when she was five, had her ears pierced. It hurt her, but I was there. I was there to tell her exactly what was going to happen through the procedure, and I was there to comfort her when she was crying when it hurt. Something as simple as that--

And then we're talking about abortion. Nobody told me what would happen during the procedure. Nobody outlined it. Nobody gave me a step-by-step. They took the money, and they did it. And that is the reality of these women's health clinics.

Thank you very much for your time. (applause)

SENATOR KOSKO: Thank you.

Joseph Cambria.

J O S E P H G. C A M B R I A: I'd like to thank you very much for this honor to be able to speak before you.

Years ago, when I was a teenager, I remember an echoing statement, which Fox Television would announce: "It's 10 p.m. Do you know where your children are?"

It is the parents' choice to love and be responsible to know where their children are and what they are doing, possibly, at all times.

I make this statement, because life truly is a gift of whom we must be respectfully responsible and joyously treasure valuably. We must be good moral stewards of the life whom have been lent to us.

In the State of New Jersey, it is law that one has been granted the privilege to begin an independent adulthood, if mentally and physically able to, at the age of 18. Prior to the age of 18, it is the parents' full-time dutiful obligation, being legally bound by law, and put in trustworthy authority to love, care, provide, and be responsible for the mature upbringing and disciplining of their children, thus possibly forging people with noble characters whom, as a result, will become law-abiding, good, moral, constructive citizens of the future, perhaps eventually beginning a family of their own, passing down and planting

into the hearts and minds of their own children what they themselves have benefited from their parents' concern.

There are many ways to diligently build a family or plan for a family, but abortion is logically totally contradictory. Abortion is a deliberate act of defiant violation to being good, moral stewards of precious life. Abortion, according to *Webster's Concise English Dictionary*, means, deliberate termination of a pregnancy; to stop a project taking place.

Due to my selfishness in the past, I myself had total disregard for human life on two separate occasions. I am the co-culprit and co-victim of abortion. I was tremendously affected for many years by the abortions, almost causing me to take my own life for theirs. I deeply regret and confess to you what I did was horrible. I have asked God, my creator, for forgiveness and the strength to testify today why I believe parents should be notified about their children wanting to abort life.

My focus here is regarding the proper respect for human life of a parent towards their child, and that child towards their own child alive within them.

I present you this question to seriously ponder: Do you know where your children are and what they are doing? If you choose to love them enough, you always will.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Kerrie Ocasio, Association for Children of New Jersey.

K E R R I E O C A S I O: Kerrie Ocasio, Legislative Policy Analyst for the Association for Children of New Jersey.

Chairman Kosco and members of the Committee, thank you for the opportunity to speak to you today regarding ACR-2 and SCR-86.

We at the Association for Children of New Jersey remain deeply concerned and opposed to this bill, which amends the State's Constitution to require parental notification for medical or surgical procedures or treatments relating to pregnancy to be performed on minor children. We contend that this bill will be harmful to both pregnant teens and their babies, in addition to depriving them of rights currently afforded them under our Constitution.

ACNJ is a statewide, private child advocacy organization dedicated to improving programs and policies for children. We have worked tirelessly to protect the rights of children to be safe, educated, and healthy. We remain opposed to ACR-2/SCR-86 for two primary reasons.

First, the bill will cause harm to some young people. Although many young people have positive relationships with their families and communicate with them, some do not. Too many children live in families that are abusive and fear reprisal when it is learned that they are pregnant. Some are homeless or otherwise on their own. It is for these young people that we are concerned about the provisions in this bill. To require parental notification before a pregnant minor receives pregnancy testing, counseling, or prenatal care would cause some to delay seeking treatment or be denied treatment at a critical time for both their health and the health of their baby. With all that we know about the importance of prenatal care, we worry about the effect this barrier to services will have on both the mother and child.

Second, the bill deprives minors of rights currently protected by our Constitution. Our Constitution should not be amended to deny rights to a

group of people that would result in harm to even a portion of them. The New Jersey Legislature itself afforded pregnant minors the authority to consent to medical, hospital, and surgical care related to their pregnancy or child in 1965. These rights include prenatal care and counseling and provide the pregnant minor the ability to attend to her own health under this specific circumstance. If it is the Legislature's goal to require parental notification for abortion, the provisions of this bill go too far. ACR-2/SCR-86 would reverse over 35 years of progressive policy making that has protected the rights of pregnant minors.

ACNJ believes that this bill will be harmful to children's rights and health in New Jersey and urge you to vote against it.

Thank you. (applause)

SENATOR KOSKO: Alma Saravia.

A L M A L. S A R A V I A, ESQ.: Good morning, Senator Kosco and members of the Committee.

I'm Alma Saravia, Counsel to the New Jersey Association of Osteopathic Physicians and Surgeons of New Jersey, the majority of whom are primary care practitioners. NJAOPS represents 2400 physicians in New Jersey. NJAOPS is strongly opposed to this proposed constitutional amendment, which would overturn a Supreme Court decision.

The Legislature should not propose a constitutional amendment to overturn a Supreme Court decision. The proposed constitutional amendment impermissibly interferes with a physician's ability to practice medicine. The State should not abridge a physician's right to practice medicine in accordance with the laws of this State set forth by the New Jersey State Board of Medical

Examiners, which grants physicians a license to practice medicine based on his or her own judgment.

The law provides numerous protections for patients seeking confidential medical care at this time. The proposed constitutional amendment flies in the face of well-established legal and medical principles and may force physicians to violate the law if they wish to treat a minor who does not want his or her parent or guardian to know that she or he is seeking medical care for a pregnancy related condition.

The proposed constitutional amendment may force a physician to commit medical malpractice. A physician could be required to provide notice before the physician could render emergency medical treatment, thereby delaying the treatment and possibly causing permanent harm or death to the minor.

Physicians can well imagine a situation where a minor is injured in an automobile accident and brought to the hospital for emergency care. If the minor is pregnant, this proposed constitutional amendment would force a physician to commit malpractice by not rendering the emergency care if the physician cannot reach out to the parent or guardian.

Furthermore, a minor could have an ectopic pregnancy that warrants emergency care. And there are numerous other medical examples where the physician would have to render care in order to save the life of the minor.

The judgment of the State should not be substituted for the medical professionals as to when the physician can render care. Will the State indemnify physicians who are sued for not rendering care to their patients?

The proposed constitutional amendment does not define relating to pregnancy. NJAOPS is concerned that pregnancy related could mean that

physician is no longer permitted to dispense contraceptives without parental consent. Furthermore, contraceptives are not always prescribed as birth control. For example, birth control pills can be used to treat other medical conditions. In addition, a patient could not come to the hospital in labor and need a cesarian section without parental consent.

The proposed constitutional amendment disregards current law, which allows a pregnant minor to consent to the performance of medical and surgical care by a hospital or licensed physician.

In 1965, the Legislature enacted a law allowing a pregnant minor to consent to medical or surgical care.

MS. STEFANE: Time.

MS. SARA VIA: And we think that law has been good public policy and should remain on the books.

We are also concerned, as the Academy of Family Practitioners said, about instances of sexual or other abuse of minors, and believe that that law should stand as is.

Thank you. (applause)

SENATOR KOSKO: Thank you.

I have just a-- I have two people from the ACLU, and the ACLU has already been represented here. I will call you up again at the same time to get anything you want to get on that hasn't been already said in a minute.

Also, I have two people from Planned Parenthood, and Planned Parenthood has already been represented a number of times.

Phyllis Kinsler, who had already testified at the last meeting--

Is Phyllis still here?

PHYLLIS KINSLER: I am, indeed.

SENATOR KOSKO: Do you have anything else you want to add?

MS. KINSLER: I do. I would like to just file that, (indicating) but I would like to respond to some things I heard so I don't bore you with the same old stuff. How's that?

SENATOR KOSKO: You have three minutes.

MS. KINSLER: Thank you.

I'm Phyllis Kinsler. My official presence here today is as the President of the Family Planning Association of New Jersey. In New Jersey, 18 separate agencies provide subsidized family planning services in more than 50 locations throughout the state. Three of those locations also provide prenatal care, nine provide additional diagnosis and treatment for cervical cancer, and two provide abortion. Collectively, we provide essential health care to 108,000 patients a year.

I'm going to let the written statements on that stand for themselves. I'm going to respond to three things I heard this morning, so there will be some new information.

Somebody testified very passionately about her problem with the ad she saw in the *Yellow Pages* that advertised no parental involvement necessary. In my community, the antichoice pregnancy center is run by many of the people testifying in support of this amendment -- also advertise confidential care. I believe that's because they know that the young women that they want to provide pregnancy tests for and prenatal care for will also not come through their door if parental involvement is required as a ticket to get through that door. Let's look for some consistency.

We heard a very disturbing story from a young woman from Pennsylvania. I don't ever want to hear that from a New Jersey citizen whose medical complications occurred in the Lincoln Tunnel.

And finally, we have all had the privilege of hearing from a number of articulate teenagers on both sides of this issue. Although I respect the sincerity and thoughtfulness evident in all of their testimony, I'm, frankly, confused by some of it.

The teens that spoke in support of this amendment said that parental notification laws are good, because they want to talk to their own parents. Do they think that we now have laws that interfere with their right to do so? Do they think anyone here is proposing a law prohibiting family communication? I don't see how their own voluntary family communication is threatened by giving other teens more options.

Frankly, I'm also confused by some of the response to those teenagers. The sponsors and supporters of this amendment think teenagers are incapable of making responsible, independent decisions for themselves. Why then would you trust their recommendations for public policies that affect all teenagers?

Again, I don't doubt the sincerity of any of those young adults who testified. It's because I'm willing to trust them all as experts on their own families that I believe in public policies that include all of them, policies that offer teens the right to tell or not to tell, policies that protect confidentiality.

And I'm urging you to be legislators for all of New Jersey's teenagers.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Okay. Is Naya Dean (phonetic spelling) still here? Naya Dean?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Alice?

SENATOR KOSKO: Is that Alice?

MS. STEFANE: Yes.

SENATOR KOSKO: Okay, hold on just a minute. I just wanted to make sure you were still here.

Leslie Zucker and Bear Atwood from Planned Parenthood, do you have anything that you want to add to what's already been said?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No, but I would like to submit our testimony.

SENATOR KOSKO: Great.

I don't want you to think I didn't know you were here.

UNIDENTIFIED SPEAKER FROM AUDIENCE: I know there are some young women who still want to testify, so I'd be happy to just submit written testimony and let them have the chance to speak.

SENATOR KOSKO: That's good.

And Barbara Sieck and Rachel Isaacs, is there anything you want to add to--

Come on up -- both of you at the same time.

RACHEL ISAACS: Do I have three minutes?

SENATOR KOSKO: Yes, you do.

MS. ISAACS: Thank you.

Hello. My name is Rachel Isaacs. I am Governor of the Junior State of America, a nonprofit, nonpartisan organization that represents students'

rights. I am the President of the Temple Beth Shalom Torah Club, and a concerned student from Freehold Township High School.

I oppose this constitutional amendment for one reason and one reason only. Most people under 18, according to most reputable studies, who need an abortion, already talked to their parents or another close family member. Those who don't have good reasons.

First of all, there's abuse. Oftentimes, the parents of the children who need the abortion are also the parent of the child in utero. How are you supposed to tell these parents? Obviously, they do not care about the welfare of these children. Why should they be able to consent to their daughter's abortion, if they're the parent of this child and obviously do not have the welfare of this child in mind? Also, sometimes parents cannot be contacted.

I feel very strongly. I support all these people who have come up and talked about how strong their families are and how they can go talk to their parents and their grandparents and so forth and so on. And I support them about talking to their parents. However, there are people out there, people who aren't here today, that don't even know their parents. And how are those parents supposed to consent, when they're living on their own and have fallen through the cracks? These are the reasons that the American Association of Pediatrics and Family Practitioners oppose parental notification.

According to philosopher J. S. Mill, it is the job of democracy to protect the ideas of minorities.

The fact was brought up that 80 percent of parents agree with parental consent. But we need to protect the rights of these minorities. Most of us don't know these kids. I know I don't. I live in a very caring family in

middle-class New Jersey. But there are kids out there in inner cities -- minority kids dealing with abuse, living with this nightmare every day. They are the few, the invisible kids, who are too afraid or ill-informed about the law, as most citizens are, to go to judges for parental bypass.

I know I wouldn't know the proceedings well enough, even as the President of a nationwide political organization, to go to a judge. I also would not have the courage to anger my abusive parent and go to a judge if I needed a bypass.

And even if I finally did have the courage, or this person did finally have the courage to go and talk to a judge, it is often too late to have a safe and legal abortion, because these laws have prohibited them from going as soon as they need to go.

By passing this amendment, we are discouraging kids in need from getting care for abortion and STDs. It is bad public policy. It is bad health policy.

Also, we are forcing them to cross state lines into New York, which, as we know, can be fairly dangerous, which is also putting their lives at risk.

I believe I am taking the real pro-life point of view. Don't victimize these kids again.

Thank you. (applause)

SENATOR KOSKO: Barbara.

BARBARA SIECK: My name is Barbara Sieck, and I'm a senior at Monclair High School.

I am a victim of this bill. I am testifying here today so you can see the face of a person who will be directly affected by this bill's outcome. This

bill is about me, this bill is about my friends, and this bill is about every female that I walk down the halls with in my school each day.

This bill concerns me for two reasons. The first is that it has the potential to rob me of my inalienable right to make decisions about my own body. The second is that if this bill passes, health and self-esteem will diminish greatly in teenage girls.

I don't presume to speak for my generation or for all girls. We all know that that would be impossible to do. The reason that it is impossible is because each teenage girl, each human for that matter, is a unique being with different emotions and different responses. Yet, your bill strives to ignore these distinctions. Your bill says to all girls under 18, "No matter what your maturity level, no matter what your beliefs, no matter what your personal situation is, I know more about your body than you do." And I'll tell you something, you don't.

Our schools teach us to be mature citizens, to be thoughtful decision makers. How on earth am I, or more importantly, the girl who is sitting in class pregnant, supposed to listen to a teacher tell us to make responsible decisions, when our most fundamental, the decision to have the right to decide what to do with our own body, has been taken away from us?

For a pregnant teen, either way, a decision will have to be made. It will either be, "I am pregnant. It is or it is not safe for me to tell my parents. I must decide whether to go to a confidential clinic down the street and have a safe, informed abortion," or "I am pregnant. I cannot tell my parents because if I do, they will throw me out, they will make me have this baby when it is the

last thing I want, or they will hurt me. I have to decide if I should go to the back alley and have a dangerous abortion that could kill me.”

I came here today because it is now in your hands, which of these decisions the teenage girls of New Jersey will have to make. Please look at me, a real-life teenage girl, as I say that this is my own body. I must make decisions about my own body. And there are a whole lot of other girls in New Jersey who feel the same way that I do.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Alice Dean. Is Alice Dean here?

A L I C E D E A N: Hello. I am here today as a woman, a mother, and a concerned citizen.

In the recent aftermath of the Columbine shootings, and many other school shootings, we are finding the value of parental involvement in our children’s lives. I can’t believe in this world of lawsuits and regulation that we would need a note for an aspirin in a school, that we would put the interest of big business and hiding the consequences of our children’s actions above the welfare of our children.

Abortion, even first trimester, can have physically damaging effects on an individual, needless to say the countless years of guilt and what-ifs ahead. Some first trimester complications can include severe blood loss, infection, pain, puncture of the uterus, sterility, and even death. And contrary to what the woman who just spoke before me -- is that we do have legal back alley abortions now. They’re just done legally with licensed physicians. And I think,

as a parent, I should be aware of that to be able to protect my child in such a situation.

Why would a child be allowed to have a surgical procedure as dangerous as this without parental approval or a parent to be there for them at this time, to be there when they wake up from anesthesia, which should require parental permission to do that?

Obviously, the child having an abortion is under duress. A parent could help to see the big picture. A child only sees the immediate repercussions and the fear. And you've seen many teenagers, even in here, that want to have their own -- want to do what they want to do and feel that they should have their own way.

And as a parent, I believe my job is-- I have 20 years with my child, approximately. And I'm supposed to raise them and train them and teach them as they go on through life, giving them a little bit more freedom as time goes on until they're 18 and they can leave the home.

But a decision like an abortion is a life-changing decision, and I really believe that a doctor should not take that responsibility, or a health-care professional -- to make that decision for my child. They don't know what's best for my child.

And in this permissive society that we live in, I think that we should learn one thing, that children do need protection. And that's why even teenagers -- we need to be there for them.

Thank you. (applause)

SENATOR KOSKO: Thank you.

Okay. That concludes our hearing. We got everybody in that had signed up. We got everybody on the paper.

You have a quick statement you want to make -- very quick.

ASSEMBLYMAN ROONEY: Yeah, just a quick statement.

There were some misconceptions-- There are preventatives in there.

Thank you.

SENATOR KOSKO: Thank you.

(HEARING CONCLUDED)