



September 25, 2006

RE: House vote Tuesday on Child Custody Protection Act (S. 403)

Dear Member of Congress:

In order to protect the well-being of minor girls and the rights of their parents, the National Right to Life Committee (NRLC) urges you to support the substitute amendment that will be offered to the Senate-passed Child Custody Protection Act (S. 403) on Tuesday, September 26.

NRLC expects to include the roll call on the substitute amendment to S. 403 in its scorecard of key right-to-life votes for the 109th Congress.

### **PUBLIC SUPPORT FOR PARENTAL INVOLVEMENT LAWS**

Parental notification or parental consent laws, consistent with existing Supreme Court case law, are in effect in more than half the states. However, these laws are often circumvented -- activity that is actively encouraged by abortion clinics' out-of-state advertising in non-notification states, highlighting the avoidance of parental notification as a selling point.

Parental notification and parental consent laws are supported by overwhelming majorities of the public. For example, in April 2005, The Polling Company asked a national sample, "Do you agree or disagree that a person should be able to take a minor girl across state lines to obtain an abortion without her parents' knowledge? And would you say you **STRONGLY** agree/disagree or **SOMEWHAT** agree/disagree?" Of the 1,000 adults sampled, 15% agreed (7% strongly), while 82% disagreed (75% strongly). In a July 2005 CBS News poll, respondents were asked, "Would you favor or oppose requiring that at least one parent be told before a girl under 18 years of age could have an abortion?" In favor were 80%, while 17% were opposed. To see additional polls on the subject, go to the NRLC website at [www.nrlc.org/federal/ccpa/ParentalInvolvementPolls.html](http://www.nrlc.org/federal/ccpa/ParentalInvolvementPolls.html)

### **THE SUBSTITUTE AMENDMENT**

The substitute includes all of the provisions of the Senate-passed bill. The central provision is a prohibition on transporting a minor across state lines to obtain an abortion if this abridges her parents' right to be involved under their home-state law. Also included is the only amendment adopted by the Senate, the Boxer-Ensign Amendment, which makes it a separate offense for a parent who impregnates a minor daughter to take that daughter to another state for an abortion, and bars the incestuous parent from employing the right to sue under the anti-transportation provision.

The substitute also contains the central provision of the Child Interstate Abortion Notification Act (CIANA, H.R. 748), which the House passed on April 27, 2005, with the support of 270 members.

## PARENTAL NOTIFICATION VOTE, PAGE 2

This provision requires an abortionist, before performing an abortion on a minor from a different state, to notify one parent in the home state, with certain exceptions that are summarized below.

We emphasize that, like the original Senate and House bills, the substitute does not change or override STATE parental notification or consent laws. The bill will have no effect whatever on abortions that are performed on minors who are residents of the same state in which the abortion is requested or performed. The provisions of the bill apply only to cases in which a minor crosses a state line and seeks an abortion from a provider in a different state. Once this interstate activity has occurred, the proposed federal law would provide the most basic level of protection for the minor and her parents -- notification of at least one parent. (Many states provide for not merely notification, but consent.)

### EXCEPTIONS TO THE NOTIFICATION REQUIREMENT

The bill explicitly provides that the federal notification requirement would not apply if:

- the minor is accompanied by a parent, or
- the abortionist is already required to notify a parent under his own state law, and he complies with that requirement; or
- the minor has already received authorization from a judge in her home state ("judicial bypass"), where the home-state law provides for such judicial authorization; or
- the minor declares that she is the victim of "sexual abuse, neglect, or physical abuse by a parent," in which case the abortionist will not notify a parent, but will instead notify the appropriate state agency in the home state; or
- in bona fide medical emergencies in which there is not time to fulfill the notification requirement before performing the abortion, in which case the notification will occur after the fact. Only the parent is likely to know the child's full medical history, and it is likely to be a parent who must recognize and respond to an infection or other complications of an abortion -- complications that a parent might well overlook if he or she does not even know that an abortion has occurred.

Thank you for your consideration of NRLC's position on this important legislation. For additional information regarding parental notification for abortion, including the results of other public opinion polls on this issue, please go to the NRLC website at <http://www.nrlc.org/federal/ccpa/index.html>, reply to this e-mail, or call the NRLC Federal Legislation Department at 202-626-8820.

Sincerely,



Douglas Johnson  
NRLC Legislative Director