

Statement of

# **The Honorable John Ensign**

United States Senator  
Nevada  
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SENATOR JOHN ENSIGN  
CHILD CUSTODY PROTECTION ACT  
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Mr. Chairman, I want to thank you for holding this hearing on the Child Custody Protection Act and your leadership on this issue.

I have three young children in school, including a daughter, so I know something about parental consent. My wife and I, like most parents, have to give our written consent for school activities all the time.

In most schools, an underage child can't go on a school field trip without a signed permission slip. An underage child also can't receive mild medication at school, such as aspirin, for the alleviation of pain or discomfort unless a parent signs a release form permitting the school nurse to administer it. In some schools, a child may not take sex education class without parental consent. As we will hear today, nothing, however, prevents this same child from being taken across state lines, in direct disobedience of state laws, for the purpose of undergoing a life-altering abortion.

This bill before us, the Child Custody Protection Act, makes it a federal offense to knowingly transport minor across a state line, with the intent that she obtain an abortion, in circumvention of a state's parental consent or parental notification law. It specifies that neither the minor transported nor her parent may be prosecuted or sued for a violation of this Act.

This legislation does not supercede, override, or in any way alter existing state parental involvement laws. It does not impose any parental notice or consent requirement on any state. The Child Custody Protection Act addresses the interstate transportation of minors in order to circumvent valid, existing state laws and uses the authority of Congress to regulate interstate activity to protect those laws from evasion.

In other words, this bill simply attempts to strengthen the effectiveness of state laws designed to protect children from the health and safety risks associated with abortion. In many cases, only a girl's parents know of her prior psychological and medical history, including allergies to medication and anesthesia. Also, parents are usually the only people who can provide authorization for post-abortion medical procedures or the release of pertinent data from family physicians. When a pregnant girl is taken to have an abortion without her parents' knowledge, none of these precautions can be taken. The harsh reality is that leaving parents uninformed

about their underage daughter's abortion may not only be detrimental to the physical and mental health of the child but may, in some instances, be fatal.

Leaving parents uninformed also, as Dr. Collett will discuss in her testimony, deprives young girls of added protection against sexual exploitation by adult men. I did not realize that according to the American Academy of Pediatrics, "[a]lmost two thirds of adolescent mothers have partners older than 20 years of age." Parental notification laws are an important tool to enable parents - particularly in cases of statutory rape - to protect their daughters from further abuse.

Mr. Chairman, this legislation is a common-sense solution to a dire problem. A minor who is forbidden to drink alcohol, to stay out past a certain hour, or to drive a car in some states is certainly not prepared to make a life-altering, hazardous decision, such as an abortion, without the consultation or consent of at least one parent.

In fact, a poll 2003 CNN/ USA Today Gallup poll found that 73% of those polled favor a law requiring women under 18 to get parental consent for any abortion.

Mr. Chairman, I look forward to working with you, and other members of the Senate, to ensure that underage girls are protected from unscrupulous individuals who want them to make a life-altering decision without parental involvement.