

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

January 5, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

3111217
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 1/5/12
Time 3:40 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 323-31 (COR), "AN ACT TO ADD A NEW CHAPTER 4A TO DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING PARENTAL CONSENT FOR THE CONDUCT OF AN ABORTION UPON A MINOR", which I signed into law on December 29, 2011 as **Public Law 31-155**.

Senseramente,


EDDIE BAZA CALVO

Attachment: copy of Bill

2012 JAN -5 PM 11:27

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 323-31 (COR), "AN ACT TO ADD A NEW CHAPTER 4A TO DIVISION 1 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING PARENTAL CONSENT FOR THE CONDUCT OF AN ABORTION UPON A MINOR", was on the 22nd day of December, 2011, duly and regularly passed.



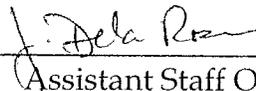
Judith T. Won Pat, Ed.D.
Speaker

Attested:



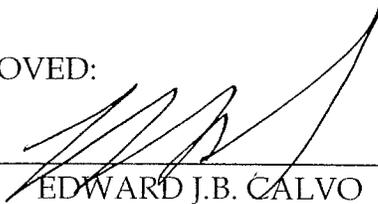
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 23rd day of Dec., 2011, at 10:35 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: DEC 29 2011

Public Law No. 31-155

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 323-31 (COR)

As amended on the Floor.

Introduced by:

D. G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW CHAPTER 4A TO DIVISION 1
OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE
TO REQUIRING PARENTAL CONSENT FOR THE
CONDUCT OF AN ABORTION UPON A MINOR.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Short Title.** This Act may be cited as the “*Parental Consent*
3 *for Abortion Act.*”

4 **Section 2. Legislative Findings and Intent.** (a) *I Liheslaturan Guåhan*
5 finds:

6 (1) Immature minors often lack the ability to make fully informed
7 choices that take into account both immediate and long-range consequences.

1 (2) The medical, emotional, and psychological consequences of
2 abortion are sometimes serious and can be lasting, particularly when the
3 patient is immature.

4 (3) The capacity to become pregnant and the capacity for mature
5 judgment concerning the wisdom of an abortion are not necessarily related.

6 (4) Parents ordinarily possess information essential to a
7 physician's exercise of his or her best medical judgment concerning the
8 child.

9 (5) Parents who are aware that their minor daughter has had an
10 abortion may better ensure that she receives adequate medical attention after
11 her abortion.

12 (6) Parental consultation is usually desirable and in the best
13 interest of the minor.

14 (b) It is the intent of *I Liheslaturan Guåhan* in enacting this parental
15 consent law to further the important and compelling interests of:

16 (1) Protecting minors against their own immaturity.

17 (2) Fostering family unity and preserving the family as a
18 viable social unit.

19 (3) Protecting the constitutional rights of parents to rear
20 children who are members of their household.

21 (4) Reducing teenage pregnancy and unnecessary abortion.

22 (5) In light of the foregoing statements of purpose, allowing
23 for the judicial bypasses of the parental consent requirement to be
24 made *only* in exceptional or rare circumstances.

25 **Section 3.** A new Chapter 4A is hereby *added* to Division 1 of Title 19,
26 Guam Code Annotated, to read:

1 (f) *Incompetent* means any person who has been adjudged a
2 disabled person and has had a guardian appointed for her pursuant to
3 judicial proceeding and determination.

4 (g) *Medical emergency* means a condition that, on the basis of the
5 physician's good-faith clinical judgment, so complicates the medical
6 condition of a pregnant woman as to necessitate the immediate abortion of
7 her pregnancy to avert her death *or* for which a delay will create serious risk
8 of substantial and irreversible impairment of a bodily function.

9 (h) *Neglect* means the failure of a parent or legal guardian to
10 supply a child with necessary food, clothing, shelter, or medical care when
11 reasonably able to do so, *or* the failure to protect a child from conditions or
12 actions that immediately and seriously endanger the child's physical or
13 mental health when reasonably able to do so.

14 (i) *Physical abuse* means any physical injury intentionally
15 inflicted by a parent or legal guardian on a child.

16 (j) *Physician or attending physician* means any person licensed to
17 practice medicine on Guam. The term includes medical doctors and doctors
18 of osteopathy.

19 (k) *Sexual abuse* means any sexual contact or sexual penetration as
20 defined in §25.10(a)(8) and (9) of Chapter 25, Title 9, Guam Code
21 Annotated, and committed against a minor by an adult family member as
22 defined in this Act, or a family member as defined in Chapter 13 of Division
23 1, Title 19, Guam Code Annotated, and as further provided for in Chapter
24 25, Title 9, Guam Code Annotated.

25 **§ 4402. Consent of One (1) Parent Required.** *Except* in the
26 case of a medical emergency, or *except* as provided in §§4403, 4404, or

1 4407, if a pregnant female is less than eighteen (18) years of age and not
2 emancipated, or if she has been adjudged an incompetent person pursuant to
3 judicial proceeding and determination, no person shall perform an abortion
4 upon her unless, in the case of a female who is less than eighteen (18) years
5 of age, he or she first obtains the-written consent of both the pregnant
6 female and one (1) of her parents or a legal guardian; or, in the case of a
7 female who is an incompetent person, he or she first obtains the written
8 consent of her guardian. In deciding whether to grant such consent, a
9 pregnant female's parent or guardian *shall* be advised of the risks involved
10 in the abortion procedure, the risks of post-partum syndrome, and
11 alternative to the abortion, and *shall* consider only the child's or ward's best
12 interests.

13 **§ 4403. Alternate Consent.** If the minor patient declares in a
14 signed written statement that she is a victim of sexual abuse, neglect, or
15 physical abuse by either of her parents or legal guardian(s), then the
16 attending physician *shall* obtain the written consent required by this Act
17 from a brother or sister of the minor who is over twenty-one (21) years of
18 age, or from a stepparent or grandparent specified by the minor. The
19 physician who intends to perform the abortion must certify in the patient's
20 medical record that he or she has received the written declaration of abuse
21 or neglect. Any physician relying in good faith on a written statement under
22 this Section *shall not* be civilly or criminally liable under any provisions of
23 this Act for failure to obtain consent.

24 **§ 4404. Exceptions.** Consent *shall not* be required under §4402
25 or §4403 of this Act if:

1 (a) the attending physician certifies in the patient's medical
2 record that a medical emergency exists and there is insufficient time
3 to obtain the required consent; *or*

4 (b) consent is waived under §4407 of this Chapter.

5 **§ 4405. Coercion Prohibited.** A parent or any other person
6 *shall not* coerce a minor to have an abortion performed. If a minor is denied
7 financial support by the minor's parents, guardian, or custodian due to the
8 minor's refusal to have an abortion performed, the minor *shall* be deemed
9 emancipated for the purposes of eligibility for public-assistance benefits,
10 *except* that such benefits may *not* be used to obtain an abortion.

11 **§ 4406. Reports.**

12 (a) A monthly report indicating the number of consents obtained
13 pursuant to this Act, the number of times in which exceptions were made to
14 the consent requirement under this Act, the type of exception, the minor's
15 age, and the number of prior pregnancies and prior abortions of the minor
16 *shall* be filed by any physicians performing any abortion or procedures to
17 induce abortions with the Department of Public Health and Social Services
18 on forms prescribed by the Department. A compilation of the data reported
19 *shall* be made by the Department on an annual basis and *shall* be available
20 to the public.

21 Specific names of minors or of incompetent persons covered by this
22 Act *shall not* be included in the monthly report or any similar report
23 generated by the Department of Public Health and Social Services and/or
24 any other instrumentality of the government of Guam.

1 (b) The Department of Public Health and Social Services *shall*
2 develop the forms necessary to gather the information required by this
3 Section within sixty (60) days of the enactment of this Act.

4 **§ 4407. Procedure for Judicial Waiver of Consent.** (a) The
5 requirements and procedures under this Section are available to minors and
6 incompetent persons whether or not they are residents of Guam.

7 (b) The minor or incompetent person may petition the Superior
8 Court of Guam for a waiver of the consent requirement and may participate
9 in proceedings on her own behalf. The petition *shall* include a statement
10 that the complainant is pregnant and unemancipated. The petition *shall* also
11 include a statement that consent has *not* been waived, that the pregnant
12 minor has been advised by her attending physician of the risks involved in
13 an abortion and the risk of post-partum syndrome, and that the complainant
14 wishes to abort without obtaining consent, as provided pursuant to this
15 Chapter. The court *shall* appoint a guardian *ad litem* for her. Any guardian
16 *ad litem* appointed under this Act *shall* act to maintain the confidentiality of
17 the proceedings.

18 The court *shall* advise her that she has a right to court-appointed
19 counsel, and *shall* provide her with counsel upon her request.

20 (c) Court proceedings under this Section *shall* be confidential and
21 *shall* ensure the anonymity of the minor or incompetent person. All court
22 proceedings under this Section *shall* be sealed. The minor or incompetent
23 person *shall* have the right to file her petition in the court using a
24 pseudonym, *or* using solely her initials. All documents related to this
25 petition *shall* be confidential and *shall not* be available to the public. These
26 proceedings *shall* be given precedence over other pending matters to the

1 extent necessary to ensure that the court reaches a decision promptly. The
2 court *shall* rule, and issue written findings of fact and conclusions of law,
3 within forty-eight (48) hours of the time the petition was filed, *except* that
4 the forty-eight (48)-hour limitation may be extended at the request of the
5 minor or incompetent person. If the court fails to rule within the forty-eight
6 (48)-hour period and an extension was *not* requested, then the petition *shall*
7 be deemed to have been granted, and the consent requirement *shall* be
8 waived.

9 (d) If the court finds, by clear and convincing evidence, that the
10 minor is sufficiently mature or well-informed to decide whether to have an
11 abortion, the court *shall* issue an order authorizing the minor to consent to
12 the performance or inducement of an abortion without the consent of a
13 parent or guardian, and the court *shall* execute the required forms. If the
14 court does *not* make the finding specified in this Subsection or Subsection
15 (e) of this Section, it *shall* dismiss the petition.

16 (e) If the court finds evidence that there is an incidence of
17 physical, sexual, or emotional abuse of the complainant by one (1) or both
18 of her parents, her guardian, or her custodian, or by a male person regardless
19 of the family relationship, if any, who has physically, sexually, or
20 emotionally abused her or caused her pregnancy, or that the notification of a
21 parent, guardian or custodian is *not* in the best interest of the complainant,
22 the court *shall* issue an order authorizing the minor to consent to the
23 performance or inducement of an abortion without the consent of the parent
24 guardian, or custodian. If the court does *not* make a finding specified in this
25 Subsection or Subsection (d) of this Section, it *shall* dismiss the petition.

1 (f) A court that conducts proceedings under this Section *shall*
2 issue written and specific factual findings and legal conclusions supporting
3 its decision, and *shall* order that a confidential record of the evidence and
4 the judge's findings and conclusions be maintained. At the hearing, the
5 court *shall* hear evidence relating to the emotional development, maturity,
6 intellect, and understanding of the minor.

7 (g) An expedited confidential appeal *shall* be available, as the
8 Supreme Court of Guam provides by rule, to any minor or incompetent
9 person to whom the [circuit] court denies a waiver of consent. An order
10 authorizing an abortion without consent *shall not* be subject to appeal.

11 (h) No filing fees shall be required of any pregnant minor who
12 petitions the court for a waiver of parental consent pursuant to this Act at
13 either the trial or appellate level.

14 **§ 4408. Appeal Procedure.** The Unified Judiciary of Guam is
15 respectfully requested to establish rules to ensure that proceedings under
16 this Act are handled in an expeditious and confidential manner, and to
17 satisfy the requirements of the federal courts. The rules promulgation
18 process rules *shall* begin within one hundred twenty (120) days from the
19 date of enactment of this Act.

20 **§ 4409. Penalties.** (a) Any person who intentionally performs
21 an abortion with knowledge that or with reckless disregard as to whether the
22 person upon whom the abortion is to be performed is an unemancipated
23 minor or an incompetent person without obtaining the required consent is
24 guilty of a felony of the 3rd degree.

25 It is a defense to prosecution under this Section that the minor falsely
26 represented her age or identity to the physician to be at least eighteen (18)

1 years of age by displaying an apparently valid governmental record of
2 identification such that a careful and prudent person under similar
3 circumstances would have relied on the representation. The defense *does*
4 *not* apply if the physician is shown to have had independent knowledge of
5 the minor's actual age or identity or failed to use due diligence in
6 determining the minor's age or identity.

7 (b) Failure to obtain consent from person(s) from whom consent is
8 required under this Act is *prima facie* evidence of failure to obtain consent
9 and of interference with family relations in appropriate civil actions. Such
10 *prima facie* evidence *shall not* apply to any other issue other than failure to
11 inform the parents or legal guardian and interference with family relations
12 in appropriate civil actions. The civil action may be based on a claim that
13 the act was a result of simple negligence, gross negligence, wantonness,
14 willfulness, intention, or other legal standard of care. The laws of Guam
15 *shall not* be construed to preclude the award of exemplary damages in any
16 appropriate civil action relevant to violations of this Act. Nothing in this
17 Act shall be construed to limit the common law rights of the parents or legal
18 guardians.

19 (c) Any person *not* authorized to provide consent under this Act
20 who provides consent is guilty of a felony of the 3rd degree.

21 (d) Any person who coerces a minor to have an abortion is guilty
22 of a misdemeanor.

23 **§ 4410. Construction.** (a) Nothing in this Chapter shall be
24 construed or interpreted as making the conduct of an abortion illegal, when
25 conducted pursuant to applicable law, this Chapter, and performed by a
26 licensed medical physician.

1 **§ 4411. Severability.** If any provision of this law or its
2 application to any person or circumstance is found to be invalid or contrary
3 to law, such invalidity shall *not* affect other provisions or applications of
4 this law which can be given effect without the invalid provisions or
5 applications, and to this end the provisions of this Act are severable.”

6 **Section 3. Effective Date.** This Act *shall* become immediately effective
7 upon enactment, provided, *however*, that the actual implementation of the
8 provisions of this Act *shall not* take place or be deemed to be in full force and
9 effect until such time as the Unified Judiciary of Guam establishes rules pursuant
10 to §4408 of Chapter 4A, Title 19, GCA, as provided for in this Act.

16

I MINA' TRENTAI UNU NA LIHESLATURAN GUĀHAN

2011 (FIRST) Regular Session

Date: 12/22/11

VOTING SHEET

Bill No. 323-31(COR)

Resolution No. _____

Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	NOT VOTING/ <u>ABSTAINED</u>	OUT DURING <u>ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



December 13, 2011

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Unu Na Liheslatuaran Guahan
31st Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 323-31 (COR)

Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting on Bill No. 323-31 (COR) "An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated."

Committee votes are as follows:

<u> 2 </u>	TO DO PASS
<u> </u>	TO NOT PASS
<u> 4 </u>	TO REPORT OUT ONLY
<u> </u>	TO ABSTAIN
<u> </u>	TO PLACE IN INACTIVE FILE

Sincerely,

BENJAMIN J.F. CRUZ
Chairperson

19
11
09
511
MM



COMMITTEE REPORT

ON

Bill No. 323-31 (COR)

Bill No. 323-31 (COR) “An act relative to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to title 19 Guam Code Annotated.”



December 12, 2011

MEMORANDUM

TO: All Members
Committee on Youth, Cultural Affairs, Procurement, General
Government Operations and Public Broadcasting

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 323-31(COR)

Transmitted herewith for your consideration is the Committee Report on Bill No. 323-31 (COR) "An act relative "An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 323-31(COR)
- Public Hearing Sign-in Sheet
- Written Testimonies
- COR Referral of Bill No. 323-31(COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Benjamin J.F. Cruz".

BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Bill No. 323-31 (COR) “An act relative to “An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated.”

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 12/13/11				
MUÑA BARNES, TINA ROSE Vice-Chairperson						
WON PAT, JUDITH T. Speaker and Ex-Officio Member						
ADA, THOMAS C. Member						
GUTHERTZ, JUDITH P. Member				12-13/11		
RESPICIO, RORY J. Member						
RODRIGUEZ, DENNIS G. JR. Member						
ADA, V. ANTHONY Member				12/13/11		
DUENAS, CHRISTOPHER Member		✓ 12/13/11				
MABINI, SAM Member				12/13/11		
YAMASHITA, ALINE Member				12/13/11		



Committee Report Digest

I. OVERVIEW

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting convened a public hearing on Tuesday, November 8, 2011 at 6:00pm in the Public Hearing Room of *I Liheslatura*. The only item on the agenda was the consideration of Bill No. 323-31 (COR) "An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated."

Bill 323-31 would require that minors have parental consent in order to have an abortion. The bill was introduced by Senator Dennis Rodriguez and received by this committee on October 5, 2011 by the Committee on Rules.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all senators on October 31st and November 6, 2011 27th, 2011 via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, Chairperson
Senator Dennis Rodriguez, Jr., Member
Senator ben pangelinan, Senator

The public hearing was called to order at 6:00pm.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Speaker Benjamin J.F Cruz called the public hearing to order at 6:00 p.m. and announced the evening's agenda and public hearing notices.

Oral and Written Testimonies- There were some 32 individuals who signed in to testify and who provided oral testimonies, and some who had written testimonies. They were: Telo Taitaque, Denise Reyes, Margie DeBenedictis, Marilu D. Martinez, Cris Gumabon, Corinna Dermon, Gizzele Valencia, Maria Mafnas, Elizabeth Mafnas, Ron Benoit, Rev. Frank Tenorio, Maria Tenorio, Virginia Stadler, Kayli Dornon, Jennifer Brown, Dana Rohr, Andrew Snyder, Ortelia Pritchard, Vanessa Valencia, Josefa Munoz, Agnes White, Priscilla Muna, Kathy Sgro, Christy Alcantara, Michelle Rohr, Josh Slagel, Shanne Intihas, Sharon O'Mallon, Tony C. Diaz, Sirena Mafnas, Maria Espinoza and Mark Mafnas.



There were a total of 15 written testimonies including 4 email messages received in support of the bill, from Governor Eddie Calvo, various members of churches and private citizens. One (1) written testimony was submitted in opposition to the bill. Written Testimonies were received by Governor Eddie Calvo, Elizabeth Acfalle –Mafnas, Maria Mafnas, Priscilla Muna, Timothy J. Rohr, Marjorie DeBenedictis, Corrina Dornon, Cris Gamboa, Pastor Greg Atkinson of Bayview Church, Pastor Jeff Johnson of the Lutheran Church of Guam, Denise Reyes, Eribert Sapida, Mary Lou Garcia-Pereda, Anonymous/No identification, Tina T. Blas and Atty. Anita Arriola.

Of the written **testimonies submitted there were three (3) that recommended changes** to the bill. Those making the suggestions for amendments to the bill were: Marilu Diaz Martinez, Maria P. Espinoza and Tina T. Blas. Most significant in these recommendations were those made by Blas who suggested that the language of the child's best interest (Section 4402) be more specific; that counseling be conducted prior to an abortion by a nurse and documented in the client's record, that the forms and processes required by the Department of Public Health and Social Services be completed within 60 days after the passage of the law. Attorney Anita Arriola who submitted written testimony opposing the bill, also made **comments regarding several sections**. Arriola asserts that the some of the provisions in the bill do not "foster family unity or parental consultation" and that some of the language is "vague, confusing and contains internally inconsistent provisions."

III. FINDINGS AND RECOMMENDATION

The Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting finds this Bill to have been duly heard receiving public testimonies primarily in support of the bill and therefore hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Bill No 323-31(COR) with the recommendation to REPORT OUT ONLY.

MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular

Bill No. 322-31 (cor)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO REQUIRE PARENTAL CONSENT
FOR THE CONDUCT OF AN ABORTION UPON
A MINOR, BY ADDING A NEW CHAPTER 4A
TO TITLE 19, GUAM CODE ANNOTATED.

15 40 110 02 003 1103
Hauer

1

2

BE IT ENACTED BY THE PEOPLE OF GUAM:

3

Section 1. Short Title. This Act may be cited as the "*Parental*

4

Consent for Abortion Act."

5

Section 2. Legislative Findings and Intent: (a) *I Liheslaturan Guåhan*

6

finds:

7

1. Immature minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences.

8

9

10

2. The medical, emotional, and psychological consequences of abortion are sometimes serious and can be lasting, particularly when

11

12

the patient is immature.

1 3. The capacity to become pregnant and the capacity for mature
2 judgment concerning the wisdom of an abortion are not necessarily
3 related.

4 4. Parents ordinarily possess information essential to a physician's
5 exercise of his or her best medical judgment concerning the child.

6 5. Parents who are aware that their minor daughter has had an
7 abortion may better ensure that she receives adequate medical
8 attention after her abortion.

9 6. Parental consultation is usually desirable and in the best interest of
10 the minor.

11 (b) It is the intent of *I Liheslaturan Guåhan* in enacting this parental
12 consent law to further the important and compelling interests of:

13 1. Protecting minors against their own immaturity.

14 2. Fostering family unity and preserving the family as a viable
15 social unit.

16 3. Protecting the constitutional rights of parents to rear
17 children who are members of their household.

18 4. Reducing teenage pregnancy and unnecessary abortion.

19 5. In light of the foregoing statements of purpose, allowing for
20 the judicial bypasses of the parental consent requirement to be
21 made only in exceptional or rare circumstances.

1 that the minor intends to seek an abortion and that the affiant
2 consents to the abortion.

3 (d) "*Department*" means the Department of . . .

4 (e) "*Emancipated minor*" means any person under eighteen (18)
5 years of age who is or has been married or who has been legally
6 emancipated.

7 (f) "*Incompetent*" means any person who has been adjudged a
8 disabled person and has had a guardian appointed for her
9 pursuant to judicial proceeding and determination.

10 (g) "*Medical emergency*" means a condition that, on the basis of the
11 physician's good-faith clinical judgment, so complicates the
12 medical condition of a pregnant woman as to necessitate the
13 immediate abortion of her pregnancy to avert her death or for
14 which a delay will create serious risk of substantial and
15 irreversible impairment of a bodily function.

16 (h) "*Neglect*" means the failure of a parent or legal guardian to
17 supply a child with necessary food, clothing, shelter, or medical
18 care when reasonably able to do so or the failure to protect a child
19 from conditions or actions that immediately and seriously
20 endanger the child's physical or mental health when reasonably
21 able to do so.

22 (i) "*Physical abuse*" means any physical injury intentionally
23 inflicted by a parent or legal guardian on a child.

1 (j) "*Physician*" or "*attending physician*" means any person licensed
2 to practice medicine on Guam. The term includes medical doctors
3 and doctors of osteopathy.

4 (k) "*Sexual abuse*" means any sexual conduct or sexual penetration
5 as defined in §25.10(a)(8) and (9) of Chapter 25, Title 9, Guam
6 Code Annotated, and committed against a minor by an adult
7 family member as defined in this Act or a family member as
8 defined in Chapter 13 of Division 1, Title 19, Guam Code
9 Annotated, and as further provided for in Chapter 25, Title 9,
10 Guam Code Annotated.

11 **§4402. Consent of One Parent Required.** Except in the case of a
12 medical emergency, or except as provided in Sections §4403, §4404, or
13 §4407, if a pregnant woman is less than 18 years of age and not
14 emancipated, or if she has been adjudged an incompetent person pursuant
15 to judicial proceeding and determination, no person shall perform an
16 abortion upon her unless, in the case of a woman who is less than 18 years
17 of age, he or she first obtains the notarized written consent of both the
18 pregnant woman and one of her parents or a legal guardian; or, in the case
19 of a woman is an incompetent person, he or she first obtains the notarized
20 written consent of her guardian. In deciding whether to grant such
21 consent, a pregnant woman's parent or guardian shall consider only the
22 child's or ward's best interests.

1 **§4403. Alternate Consent.** If the minor patient declares in a signed
2 written statement the she is a victim of sexual abuse, neglect, or physical
3 abuse by either of her parents or legal guardian(s), then the attending
4 physician shall obtain the notarized written consent required by this Act
5 from a brother or sister of the minor who is over 21 years of age, or from a
6 stepparent or grandparent specified by the minor. The physician who
7 intends to perform the abortion must certify in the patient's medical record
8 that he or she has received the written declaration of abuse or neglect. Any
9 physician relying in good faith on a written statement under this Section
10 shall not be civilly or criminally liable under any provisions of this Act for
11 failure to obtain consent.

12 **§4404. Exceptions.** Consent shall not be required under Section 4 or
13 5 of this Act, if:

- 14 1. The attending physician certifies in the patient's medical
15 record that a medical emergency exists and there is insufficient
16 time to obtain the required consent; or
- 17 2. Consent is waived under §4407 of this Chapter.

18 **§4405. Coercion Prohibited.** A parent or any other person shall not
19 coerce a minor to have an abortion performed. If a minor is denied
20 financial support by the minor's parents, guardian, or custodian due to the
21 minor's refusal to have an abortion performed, the minor shall be deemed
22 emancipated for the purposes of eligibility for public-assistance benefits,
23 except that such benefits may not be used to obtain an abortion.

1 **§4406. Reports.** A monthly report indicating the number of consents
2 obtained pursuant to this Act, the number of times in which exceptions
3 were made to the consent requirement under this Act, the type of
4 exception, the minor's age, and the number of prior pregnancies and prior
5 abortions of the minor *shall* be filed with the Department of Public Health
6 & Social Services on forms prescribed by the Department. A compilation of
7 the data reported shall be made by the Department on an annual basis and
8 shall be available to the public.

9 **§4407. Procedure for Judicial Waiver of Consent.** (a) The
10 requirements and procedures under this Section are available to minors
11 and incompetent persons whether or not they are residents of Guam.

12 (b) The minor or incompetent person may petition the Superior
13 Court of Guam for a waiver of the consent requirement and may
14 participate in proceeding on her own behalf. The petition shall include a
15 statement that the complainant is pregnant and unemancipated. The
16 petition shall also include a statement that consent has not been waived
17 and that the complainant wishes to abort without obtaining consent as
18 provided pursuant to this Chapter. The court shall appoint a guardian *ad*
19 *litem* for her. Any guardian *ad litem* appointed under this Act shall act to
20 maintain the confidentiality of the proceedings.

21 The court shall advise her that she has a right to court-appointed
22 counsel and shall provide her with counsel upon her request.

1 (c) Court proceedings under this Section shall be confidential and
2 shall ensure the anonymity of the minor or incompetent person. All court
3 proceedings under this Section shall be sealed. The minor or incompetent
4 person shall have the right to file her petition in the court using a
5 pseudonym or using solely her initials. All documents related to this
6 petition shall be confidential and shall not be available to the public. These
7 proceedings shall be given precedence over other pending matters to the
8 extent necessary to ensure that the court reaches a decision promptly. The
9 court shall rule, and issue written findings of fact and conclusions of law,
10 within 48 hours of the time the petition was filed, except that the 48-hour
11 limitation may be extended at the request of the minor or incompetent
12 person. If the court fails to rule within the 48-hour period and an extension
13 was not requested, then the petition shall be deemed to have been granted,
14 the consent requirement shall be waived.

15 (d) If the court finds, by clear and convincing evidence, that the
16 minor is both sufficiently mature and well-informed to decide whether to
17 have an abortion, the court shall issue an order authorizing the minor to
18 consent to the performance or inducement of an abortion without the
19 consent of a parent or guardian and the court shall execute the required
20 forms. If the court does not make the finding specified in this
21 subparagraph or subparagraph (e) of this Section, it shall dismiss the
22 petition.

1 (e) If the court finds, by clear and convincing evidence, that there is a
2 pattern of physical, sexual, or emotional abuse of the complainant by one
3 or both of her parents, her guardian, or her custodian, or that that the
4 notification of a parent or guardian is not in the best interest of the
5 complainant, the court shall issue an order authorizing the minor to
6 consent to the performance or inducement of an abortion without the
7 consent of the parent or guardian. If the court does not make a finding
8 specified in this subparagraph or subparagraph (d) of this Section, it shall
9 dismiss the petition.

10 (f) A court that conducts proceedings under this Section shall issue
11 written and specific factual findings and legal conclusions supporting its
12 decision and shall order that a confidential record of the evidence and the
13 judge's findings and conclusions be maintained. At the hearing, the court
14 shall hear evidence relating to the emotional development, maturity,
15 intellect, and understanding of the minor.

16 (g) An expedited confidential appeal shall be available, as the
17 Supreme Court of Guam provides by rule, to any minor or incompetent
18 person to whom the [circuit] court denies a waiver of consent. An order
19 authorizing an abortion without consent shall not be subject to appeal.

20 (h) No filing fees shall be required of any pregnant minor who
21 petitions the court for a waiver of parental consent pursuant to this Act at
22 either the trial or appellate level.

1 **§4408. Appeal Procedure.** The Unified Judiciary of Guam is
2 respectfully requested to establish rules to ensure that proceedings under
3 this Act are handled in an expeditious and confidential manner, and to
4 satisfy the requirements of the federal courts.

5 **§4409. Penalties.** (a) Any person who intentionally performs an
6 abortion with knowledge that or with reckless disregard as to whether the
7 person upon whom the abortion is to be performed is an unemancipated
8 minor or an incompetent without obtaining the required consent is guilty
9 of a misdemeanor.

10 It is a defense to prosecution under this section that the minor falsely
11 represented her age or identity to the physician to be at least 18 years of
12 age by displaying an apparently valid governmental record of
13 identification such that a careful and prudent person under similar
14 circumstances would have relied on the representation. The defense does
15 not apply if the physician is shown to have had independent knowledge of
16 the minor's actual age or identity or failed to use due diligence in
17 determining the minor's age or identity.

18 (b) Failure to obtain consent from person(s) from whom consent is
19 required under this Act is *prima facie* evidence of failure to obtain consent
20 and of interference with family relations in appropriate civil actions. Such
21 *prima facie* evidence shall not apply to any other issue other than failure to
22 inform the parents or legal guardian and interference with family relations
23 in appropriate civil actions. The civil action may be based on a claim that

1 the at as a result of simple negligence, gross negligence, wantonness,
2 willfulness, intention, or other legal standard of care. The laws of Guam
3 shall not be construed to preclude the award of exemplary damages in any
4 appropriate civil action relevant to violations of this Act. Nothing in this
5 Act shall be construed to limit the common law rights of the parents or
6 legal guardians.

7 (c) Any person not authorized to provide consent under this Act
8 who provides consent is guilty of a misdemeanor.

9 (d) Any person who coerces a minor to have an abortion is guilty of
10 a misdemeanor.

11 **§4410. Construction.** (a) Nothing in this Chapter shall be construed
12 or interpreted as making the conduct of an abortion illegal; when
13 conducted pursuant to applicable law, this Chapter, and performed by a
14 licensed medical physician.

15 **§4411. Severability.** If any provision of this law or its application to any
16 person or circumstance is found to be invalid or contrary to law, such invalidity
17 shall *not* affect other provisions or applications of this law which can be given
18 effect without the invalid provisions or applications, and to this end the provisions
19 of this Act are severable.”

20 **Section 3. Effective Date.** This Act shall become immediately
21 effective upon enactment.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on Youth, Cultural Affairs, Procurement,
 General Government Operations, and Public Broadcasting
 Web Address: www.senatorbjcruz.com



I MINATRENTAI UNU NA LIHESLATURAN GUÅHAN
 The 31st Guam Legislature
 155 Hester Place, Hagatna, Guam 96910 • senator@senatorbjcruz.com
 Telephone: (671) 477-2520/1 • Facsimile: (671) 477-2522

Public Hearing

Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated
 Tuesday November 8, 2011
 Public Hearing Room, I Liheslatura, Hagatna, Guam
 6:00 P.M.

NAME	AGENCY OR ORGANIZATION (IF ANY)	CONTACT NUMBER	EMAIL ADDRESS
Telo Taityne	Governa Calvo		
Deise Reyes		828-2828	dkreyes@hotmail.com
Margie DeBenedictis		687-7263	Margiecanby@yahoo.com
Mark D. Masterson		982-6768	masterson mario@hotmail.com
Cris Gauthier		988-7498	cris@enwardy.com
Corina Dornon		734-7242	Corina.dornon@gmail.com
Gizelle Valenciano		727-2492	gizvalencia@hotmail.com
MARIA Mathias		989-9251	thiamathias@yahoo.com
Elizabeth Mathias		969-363526	elizabethmathias@gmail.com
Ken Ranzit		488-7007	

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on Youth, Cultural Affairs, Procurement,
 General Government Operations, and Public Broadcasting
 Web Address: www.senatorbjcruz.com



MINISTRENTAL UNU NA LIHESLATURAN GUAHAN
 The 31st Guam Legislature
 155 Hester Place, Hagatna, Guam 96910 • senator@senatorbjcruz.com
 Telephone: (671) 477-2520/1 • Facsimile: (671) 477-2522

Public Hearing

Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding
 a new Chapter 4A to Title 19, Guam Code Annotated
 Tuesday November 8, 2011
 Public Hearing Room, 1 Liheslatura, Hagatna, Guam
 6:00 P.M.

NAME	AGENCY OR ORGANIZATION (IF ANY)	CONTACT NUMBER	EMAIL ADDRESS
Rev. Frank Torres ✓	Micula Pro Vida	472-45769	-
Marian Torres ✓	"	777-5433	gentleefuge@gmail.com
Virginia Staller ✓	Gentle Refuge	632-5089	virgiestaller@gmail.com
Kayli Dorman ✓		734-7242	kayli.dorman@gmail.com
Twitter Brown ✓		483-5561	Micula 3@hotmail.com
Dana Rohr ✓		685-4411	dana-rohr@hotmail.com
A. DREW SURBER ✓		487-3767	AUDREW.SURBER.2010@GHAUATE.GUAM.A.PD
Mellic Pittard ✓	Parent	687-9737	cpnttd@aol.com
Yussu Valencia ✓	Student	727-2565	yvalencia@hotmail.com
Josafa Munoz ✓	"	483-2293	josafa.munoz@live.com

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on Youth, Cultural Affairs, Procurement,
 General Government Operations, and Public Broadcasting
 Web Address: www.senatorbjcruz.com



MINIATRENTAL UNU NA LIHESLATURAN GUAHAN
 The 31st Guam Legislature
 155 Hessler Place, Hagatna, Guam 96910 • senator@senatorbjcruz.com
 Telephone: (671) 477-2520/1 • Facsimile: (671) 477-2522

Public Hearing

Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated
 Tuesday November 8, 2011
 Public Hearing Room, I Liheslatura, Hagatna, Guam
 6:00 P.M.

NAME	AGENCY OR ORGANIZATION (IF ANY)	CONTACT NUMBER	EMAIL ADDRESS
Agnes White V.	Parent	646-7176	agneswhite@gmail.com
Priscilla Murney	Parent - CDH	477-7929	
Katie Sarno V	Parent	687-2284	KSSRN@pagespersnel.com
Christy Alcantara V.	POIC	7882349	calcantara@ic4.gov.gu.com
Michelle Rohd	Basilica Cafe	475-2233	michellerohd@gmail.com
Jess Slagel?		929-3091	jesslagel@gmail.com
Shane Inthar V.		788-7833	shaneinthar@yahoo.com
Sharon O'Malley V.		788-1227	sharonomalley@hotmail.com
Tommy C. Diaz V.	Private Citizen	300-1532	Diazscd42@yahoo.com
Sirena Mafnas V.		727-2919	sirena.iris@gmail.com

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on Youth, Cultural Affairs, Procurement,
 General Government Operations, and Public Broadcasting.
 Web Address: www.senatorbjcruz.com



I MINA TRENTAI UNU NA LIHESLATURAN GUAHAN
 The 31st Guam Legislature
 155 Hesler Place, Hagatna, Guam 96910 ● senator@senatorbjcruz.com
 Telephone: (671) 477-2520/1 ● Facsimile: (671) 477-2522

Public Hearing

Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated
 Tuesday November 8, 2011
 Public Hearing Room, I Liheslatura, Hagatna, Guam
 6:00 P.M.

NAME	AGENCY OR ORGANIZATION (IF ANY)	CONTACT NUMBER	EMAIL ADDRESS
<i>Please copywrite Mark Morias</i>	<i>Copywrite Tokio Marine Insurance</i>	<i>734 4355 727-2121</i>	<i>espinosa.mpe@yaleos.com Prof. a.smark@yaleos.com</i>

22

TESTIMONY
PARENTAL CONSENT FOR ABORTION ACT
Elizabeth Acfalle-Mafnas

Every baby saved, is a warm, breathing human, dearly loved by God, with its own individual destiny and name. Thank God that in our day of inhumanity and spiritual irrelevance, the Lord has provided heroes and leaders with the resources, and exceptional individuals who are kind and patient, to step forward in order to preserve humanity in its intended form. To say nothing, is to allow the dead and the dying to lie unattended on the roadside.

As a mother, I want nothing more, than to be there for my daughter during and after her pregnancy. When I think of the sorrow, suffering, and wickedness of abortion, I can't imagine a minor child subjected to vulnerability and indecision.

With the passage of the Parental Consent for Abortion Act, minors are given options and appropriate guidance. As the psychological, spiritual and physical damage of abortion is irreparable, I ask that the people of God, the senators of the land, pass this bill.

We have seen sorrow, suffering, and wickedness of abortion and we, as sons and daughters of God, have accepted the challenge to stop this evil trade in human flesh, this resurrection of the spirit of Nazism, this "liberal" fascism. We are unwilling, in this age of genocide and eugenics, to sit back and wait either for changing political climates or Supreme Court reversals. Every day that passes, more babies are murdered within their mother's wombs. These babies suffer agonizing deaths, and their mothers are scarred psychologically, spiritually, and often physically for the rest of their lives.

The abortion business is a soul-destroying evil paralleled only in the darkest moments of history. It is time that we, as human beings, step forward to lead the fight against abortion, not by word alone but also by deed. A growing number of courageous and believing Christians are beginning to understand that abortion will not simply go away for the wishing. To remain silent in the face of the villainous abortion industry is to side with that evil. To do nothing, to say nothing, is to allow the dead and the dying to lie unattended on the roadside.

We are aware that we are on the right side of the issue, fighting God's battle and doing His will, and that is a source of great satisfaction. We are fighting alongside good people. The people in the movement are the best people there are, a veritable communion of saints. These are the people who care about others. They love the helpless unborn and ask no compensation or recognition for their work to save them.

As a people of God, we must put a stop to the industry of destruction and death. Help us to bring human dignity back to where it should be. Thank you for this opportunity.

My name is Priscilla Muna also known by family and friends as Chilang or Pat.

** I am with the CDA, Court our Lady of Camarin No. 2047 (currently the Regent and a strong supporter of the Pro-Life movement.

My presence here this evening along with other members of our Court is to show support for passage of Bill 323³¹ relative to Parental Consent for ~~minor~~ ~~seeking~~ abortion *act*.

I am a mother, grandmother and great-grandmother, a devout Catholic with a daughter, daughters in-law and granddaughters who some of them are mother themselves. Almost on a daily basis I thank the Lord for the guidance and wisdom that continue to instill in our family moral standards and family values that serves as the foundation of our continued faith. I share the pain and and frustrations some Parents are experiencing as a result of being kept in the dark about what goes on with their teen-age daughters until it is too late. In some cases they are the last to know.

Parents have the right to know about any significant activity of their ~~under~~ under age daughters. If Parents must give consent before their child can have their ears pierced or a tatoo put on them. *or for that matter* ~~In fact~~, in schools and emergency rooms, ^aparent must give consent before their ^{child} can be treated with so much as an aspirin. Isn't it totally outrageous then to allow a child to undergo any surgical procedure, let alone an invasive, irreversible procedure such as an abortion, without Parental consent?

In conclusion of my testimony I wish to share a true story involving a young girl who became pregnant. After so many follow-up visits with her physician, she was finally informed that examination results indicate that if she were to carry the pregnancy to full term, the baby will have birth ~~de~~ defects and was advised to terminate or abort the fetuse. This young girl was born and raised a Catholic. Despite knowing full well about the obstacles along the way, she was determined and left it up to the Lord to determine the destiny of her baby. She carried the pregnancy to full-term and upon giving birth she was able to cuddle her baby until he died an hour later. And although she lost her baby, she gained the satisfaction of holding her precious child, ~~and~~ ^{but} of living up to the teachings of her catholic faith, "THOU SHALL NOT KILL".

Once again thank-you for the opportunity to appear before you And I want you all to know that I strongly urge the passage of this Bill, # 323-31 Si Yu'os ma'ase.

Submitted by Priscilla Muna

Before I proceed, I would like to thank Senator Rodriguez and members of his committee for sponsoring this Bill which I hope and pray will ultimately become law.

St. Lucy's Eye Clinic

Comprehensive Ophthalmology

Marjorie DeBenedictis, MD

Board Certified Ophthalmologist

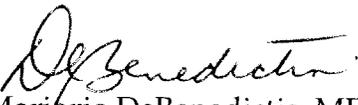
Guam Medical Plaza, Suite 103
633 Governor Carlos Camacho Road
Tamuning, GU 96913

November 8, 2011

Hafa Adai Senators:

I strongly support the passage of Bill 323-31, Parental Consent for Abortion. All other surgical procedures performed on minors require the consent of a parent or guardian, and elective abortion should be no exception. As a parent and a surgeon, I object to the special immunity granted to abortionists on many grounds, the most important being that all too often a minor is coerced into an abortion by a male who is committing statutory rape. Additionally, all surgical procedures carry potential for risk, and it is unthinkable to me that a minor can have any surgery without the knowledge and consent of at least one parent.

Sincerely,



Marjorie DeBenedictis, MD

I would first like to thank you for giving me the opportunity to testify concerning Bill 323-31 PARENTAL CONSENT FOR ABORTION.

I am here tonight to testify in favor of this Bill. I am not going to sit here and tell you how I feel about abortion or whether it is right or wrong. To be honest I don't believe this bill is about whether abortion is right or wrong. It is about having a minor, who is debating an abortion, have her parents/legal guardian consent to the process. I honestly don't really understand why this is such a point of debate.

Minors need parental consent for medical treatment and surgery: abortion should not be an exception. There are plenty of other things children are not allowed to do without their parents' consent: tattooing, ear-piercing, school activities such as school trips.

The decision whether to have an abortion or continue the pregnancy often has a major long-term impact on a woman's psychological and physical well-being, her ability to continue formal education, and her future financial status.

Let me repeat that, the decision whether **to have an abortion or continue the pregnancy** often has a major long-term impact on a woman's psychological and physical well-being, her ability to continue formal education, and her future financial status. The proposed measure helps ensure that the pregnant minor gets support and guidance from their parents in this important decision. If parents are not informed, there is a risk that they and their daughters will become permanently estranged at a time when parental support is most important.

In exceptional cases, I appreciate that it may be inappropriate for a child to tell her parents she is pregnant: where she is estranged from them, where she has been abused by them, or where telling them would present a serious threat to her safety. In such cases, Bill 323-31 allows a court waiver so that she would not have to tell them. In normal circumstances, however, they should be informed and consulted.

In some cases of sexual abuse which have resulted in pregnancy, abusers have taken their victims to have an abortion without the knowledge of the victims' parents. Requiring parental consent could help to uncover such cases of abuse. Wouldn't that be a good thing.....

I ask you Honorable Senators to pass this bill and not turn this in to a pro-life versus pro-choice debate but rather and law that will protect our children when confronted with a decision that either way will affect them for the rest of their lives.

Thank You

Thank you

Vice Speaker

Senators

For this opportunity to speak

~~Mr. Chairman and Members of the 31st Guam Legislature, (Speaker Judith Won Pat)~~

I support bill 323-01 Parental Consent for Abortion Act, requiring parental consent for a minor to have an abortion.

Several years ago, I heard a story of a 15 year old girl who received an abortion without her parents knowledge or consent. When the procedure ended she was sent home where she lay in her bed and nearly bled to death in fear and not understanding that she was in imminent danger.

She was found by her parents and rushed to the hospital. Because they were not consulted, they had no opportunity to counsel their daughter through this difficult situation or to help her with moral, ethical or physical realities of the situation she was facing. The story shocked me. I was, as many of your constituents may well be today; unaware of the fact that a minor could receive any sort of surgery, much less make a decision of such magnitude as to have an abortion, without the consent of their parents.

Some compelling portions from Section 2. of Legislative Findings and Intent state

- 1 Immature minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences
2. The medical, emotional, and psychological consequences of abortion are sometimes serious and can be lasting, particularly when the patient is immature.
3. The capacity to become pregnant and the capacity for mature judgment concerning the wisdom of an abortion are not necessarily related.
4. Parents ordinarily possess information essential to a physician's exercise of his or her best medical judgment concerning the child.
5. Parents who are aware that their minor daughter has had an abortion may better ensure that she receives adequate medical attention after her abortion.
6. Parental consultation is usually desirable and in the best interest of the minor.

I believe this bill is in the best interest of our minor daughters. It preserves the family unit as a whole and benefits the Guam community. I ask that you vote in favor of bill 323-01 Parental Consent for Abortion Act.

Thank you.

Courina Dorman

Good Evening Senators! I'd like to thank Senator Rodriguez for introducing Bill 323-31, the Parental Consent for Abortion Act

My name is Cris Gamboa and I support this bill.

Parents have a right to know what their children are doing: they are legally responsible for their care, and as parents they have a proper interest in any case. Minors need parental consent for school activity such as field trips. Minors need parental consent for any dental or medical treatment and surgery so ABORTION should not be an exception.

Any good parent would want to know if their daughter were having an abortion; any good parent would want to help her daughter make a good decision on the matter, and to prevent her making a bad decision.

Please pass this bill! Thank you.

↓
323



November 8, 2011

Dear Guam Legislature:

RE: Bill 323-31

As Pastor of many of Guam's people and a concerned member of our Island's community I write to you asking for your support of Bill 323-31 which advocates the parental consent for an abortion by a minor seeking such a "Life" decision.

I believe that it would be not only unwise but also unloving for a parent not to be required to be given an opportunity to know and give counsel and guidance to a minor under their care.

This is such a reason why parents and guardians are given the responsibility to "protect and guide" those under their care and leadership until they are ready to take on full responsibility for themselves. It is a heavy burden to be in such a position for a young person and they are often either forced by others or looking for a quick "solution" and make a rash decision they may regret later for many years, without the help and love of their parents or guardians.

I believe that this bill would prevent others from overstepping their boundaries in going against the best values and morals that these young people are being brought up with. Not passing this bill would be a part of not allowing involvement by those who are legally and morally there to support, train up and love them for their best and for what is righteous.

Thank you for your consideration of this Bill and for taking seriously the ramifications that it will have positively if passed and negatively if not passed.

Pastor Greg Atkinson



OFFICE OF THE GOVERNOR OF GUAM

November 6, 2011

Honorable Benjamin J.F. Cruz
Vice Speaker and Chairman
Committee on Youth, Cultural Affairs, Procurement, General
Government Operations, and Public Broadcasting
155 Hesler Place
Hagatna, Guam 96910

Dear Mr. Chairman,

First, God bless the author of Bill No. 323, Senator Dennis Rodriguez, Jr., for defending the lives of the unborn. Few others have entered these halls with the same courage and conviction as he to be a voice for the voiceless, a crusader for life.

Needless to state, but for the record, I support Bill No. 323. I support the requirement of parental consent if a pregnant minor seeks an abortion. Obviously, I am opposed to the double standard in our justice system that says, basically, all life is precious except the lives of babies in the womb. Roe v. Wade is wrong. It is inhumane. Since 1973, it has allowed and sometimes celebrated the legal infanticide of millions of innocent children. When I say 'legal,' I mean by man's law; for there is no moral authority that justifies abortion.

In 1973, five people under color of their positions on the U.S. Supreme Court, made a decision that brought about the greatest double standard in U.S. history since the days when women were not allowed to vote. Since then, millions who have been proponents of life have waved and marched, written letters and protested, testified and counseled political leaders to restore the country's respect for life.

It has been a heart-breaking journey, indeed. To this day, the U.S. Supreme Court has not reversed Roe v. Wade. Abortion is legal. Thankfully, however, there have been victories that have led to greater education about the vice of abortion, and the saving of lives. The requirement of parental consent will add to these victories. It will bring us closer to a society that sees, despite the error of law, the moral imperative to defend life.

I can't understand arguments against this proposed requirement, either. If a child needs parental consent for an elective surgery, then how is this requirement different? As it stands, a 17-year-old can enter a surgical center and, without parental consent, be denied plastic surgery, dental extractions, removal of ovarian cysts, or the tying of fallopian tubes. Yet, she can obtain a far-more dangerous abortion without parental consent. That defies logic. It is yet another legal encouragement of abortion. It has to stop.

While we're on the subject, I am becoming more impatient with the legislature's glacial speed on the two for-life measures I submitted in January. Senators, every day that goes by without action on these measures is a day when the life of a child could have been saved. I call on the Committee on Rules to move this legislation through for the December session.

Mr. Chairman, as the Christmas season approaches, I have but one Christmas wish. Save the life of even one child through Sen. Rodriguez's legislation and mine, and we will both receive and give to the world the greatest gift of all: the gift of life. Please pass Bill No. 323.

Si Yu'us Ma'ase.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eddie Baza Calvo', written in a cursive style.

EDDIE BAZA/CALVO



Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>

Support for Bill 323-31

M. L. Garcia-Pereda <mlgarciapered@gmail.com>

Tue, Nov 8, 2011 at 11:49 AM

To: senator@senatorbjcruz.com

Cc: "Honorable Adolpho B Palacios, Sr" <senabpalacios@gmail.com>, "Honorable Frank F Blas, Jr" <frank.blasjr@gmail.com>, "Honorable Christopher M. Duenas" <duenasenator@gmail.com>, "Honorable Dennis G. Rodriguez, Jr." <senatordrodriguez@gmail.com>, Honorable Rory J Respicio <rjr@ite.net>, "Honorable Aline A. Yamashita, Ph.D." <aline4families@teleguam.net>, "Honorable Judith P Guthertz, DPA" <judiguthertz@pticom.com>, Honorable Judith T Won Pat <speaker@judiwonpat.com>, Honorable Mana Silva Taijeron <senatormana@gmail.com>, "Honorable Sam Mabini, Ph.D." <info@senatormabini.com>, Honorable Thomas C Ada <tom@senatorada.org>, Honorable Tina R Muna-Barnes <munabarnes@hotmail.com>, Honorable Tina R Muna-Barnes <tinamunabarnes@gmail.com>, "Honorable V. Anthony Ada" <vanthonyada@gmail.com>, Honorable Vicente C Pangelinan <senbenp@guam.net>

8 November 2011

The Honorable Benjamin J.F. Cruz, Chairman
Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting
30th Guam Legislature
Suite 107
155 Hesler St.
Hagåtña, Guam 96910

RE: TESTIMONY IN SUPPORT OF BILL 323-31

Mr. Chairman and Members of the 31st Guam Legislature:

As a parent and grandparent, I wholeheartedly support parental consent for abortion for minors. All other medical procedures -- even the dispensing of prescribed medications on school campuses -- require parental consent. I believe that a procedure which will have a lasting impact on a person's life (as abortions do) should require parental notification AND consent.

Please vote Yes on Bill 323-31.

Respectfully,

Mary Lou Garcia-Pereda, Registered Voter
Tamuning



Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>

Bill 323 - Parental Consent for Abortion

Jeff Johnson <lcg@guam.net>

Tue, Nov 8, 2011 at 10:20 AM

To: "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Telo Taitague <senatortelo@gmail.com>, "James V. Espaldon" <senator@espaldon.com>, Ray Tenorio <ray@raytenorio.com>, "Edward J. B. Calvo" <senecalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Vicente C. Pangelinan" <senbenp@guam.net>, "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, "Thomas C. Ada" <tom@senatorada.org>, "Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, "Rory J. Respicio" <roryforguam@gmail.com>, "Tina R. Muna-Barnes" <tinamunabarnes@gmail.com>, "Benjamin J.F. Cruz" <senadotbjcruz@gmail.com>, "Judith T. Won Pat, Ed.D" <speaker@judiwonpat.com>

Dear Senators:

I am writing to you because, I understand, Bill 323 will be coming before our legislature this evening. I am strongly in favor of this bill, requiring parental consent before an abortion could be done to a minor child. This only makes sense, when parental permission is required for every other action, from taking a field trip to the giving of an aspirin in school. Please do the sensible thing and vote in favor of Bill 323. Thank you.

Jeff Johnson

Pastor Jeff Johnson
The Lutheran Church of Guam
787 W. Marine Corps Drive
Hagatna, GU 96910
www.lutheranchurchofguam.org
lcg@guam.net
Work - [671-477-8595](tel:671-477-8595)
Home - [671-477-4578](tel:671-477-4578)
Fax - [671-477-4732](tel:671-477-4732)

"For nothing is impossible with God." Luke 1:37



Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>

323-31

Denise Reyes <dklreyes@hotmail.com>

Thu, Oct 27, 2011 at 2:03 PM

To: senator@senatorbjcruz.com, Senator BJ Cruz <senadotbjcruz@gmail.com>

October 27, 2011

The Honorable Benjamin J.F. Cruz, Chairman
Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting
30th Guam Legislature
Suite 107
155 Hesler St.
Hagåtña, Guam 96910

RE: TESTIMONY IN SUPPORT OF BILL 323-31

Mr. Chairman and Members of the 31st Guam Legislature:

As a parent, god parent aunt and grand-mother I strongly support parental consent for abortion for minors.
Please vote yes on Bill 323-31.

Respectfully,
Denise Reyes
Merizo



Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>

YES TO BILL 323-31

Ebet Sapida <ebet@kuam.com>

Wed, Oct 26, 2011 at 3:43 PM

To: senator@senatorbjcruz.com

The Honorable Benjamin J.F. Cruz, Chairman
Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public
Broadcasting
30th Guam Legislature
Suite 107
155 Hesler St.
Hagåtña, Guam 96910

RE: TESTIMONY IN SUPPORT OF BILL 323-31

Mr. Chairman and Members of the 31st Guam Legislature:

I support parental consent for abortion for minors. Please vote yes on Bill 323-31.

Respectfully,
Eribert Sapida
Dededo, Guam

P.O. Box 74
Hagatna, Guam 96932
tinatblas@teleguam.net

December 9, 2011

Ref: TESTIMONY ON BILL # 323-31

Hafa Adai Senator B.J. Cruz, Chairperson, Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting and Members of the Mina Trentai Uno na Liheslaturan GUAHAN.

I AM TINA T. BLAS, A RESIDENT OF BARRIGADA. I AM WRITING THIS TESTIMONY ON BILL # 323-31 WHICH PROPOSES TO REQUIRE PARENTAL CONSENT FOR THE CONDUCT OF AN ABORTION UPON A MINOR.

I AM IN SUPPORT OF THE INTENT OF THIS BILL. THOUGH I AM FULLY AWARE THAT IT DOES NOT PRECLUDE ABORTION ALTOGETHER, IT GIVES THE MINOR A SECOND OPPORTUNITY TO THINK LOGICALLY WITH THE ADVISEMENT SHE WILL RECEIVE FROM HER PARENTS OR LEGAL GUARDIAN.

MY SPECIFIC COMMENTS AND RECOMMENDATIONS ARE AS FOLLOWS:

SECTION 4402. CONSENT OF ONE PARENT REQUIRED.

LAST SENTENCE (lines 20-22), "In deciding whether to grant such consent, a pregnant woman's parent or guardian shall consider only the child's or ward's best interest."

HOW IS "THE CHILD'S OR WARD'S BEST INTEREST" BE DETERMINED?

I RECOMMEND THAT THIS SECTION BE VERY SPECIFIC. THE PARENT OR GUARDIAN SHALL DISCUSS THE RISKS INVOLVED IN THE ABORTION PROCEDURE AND THE RISK OF POST-PARTUM SYNDROME.

SECTION 4403. ALTERNATE CONSENT.

THIS SECTION SEEMS TO INFER THAT THE PROCEDURE (ABORTION) WILL TO BE DONE SO LONG AS THE CONSENT FORM IS SIGNED. HOWEVER, IT FAILED TO ADDRESS THAT THE MINOR NEEDS TO BE MADE AWARE OF THE RISKS INVOLVED.

I RECOMMEND THAT ATTENDING PHYSICIAN OR THE REGISTERED NURSE IN THE PHYSICIAN'S CLINIC OR IN THE HOSPITAL BE DIRECTED TO PROVIDE COUSELING ON THE RISKS OF ABORTION AND THE RISK OF POST-

ABORTION SYNDROME, WHICH CAN BE A VERY TRAUMATIC EXPERIENCE FOR THE CHILD. THIS ACTION SHALL ALSO BE DOCUMENTED IN THE MINOR'S HEALTH RECORD.

SECTION 4406. REPORTS.

AS A RETIRED GOVERNMENT OF GUAM EMPLOYEE, I HAVE FIRST HAND KNOWLEDE THAT SOME ESSENTIAL RECORDING AND/OR REPORTING PROCEDURES WERE NEGLECTED DUE TO MANPOWER SHORTAGE. I DO NOT FEEL THE WORDINGS IN THIS SECTION IS STRONG ENOUGH TO MERIT THE IMPORTANCE OF THIS REQUIREMENT.

I RECOMMEND THAT THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES DEVELOP THE FORMS AND THE PROTOCOL WITHIN 60 DAYS OF THE ENACTMENT OF THIS LAW AND THAT THE CHIEF PUBLIC HEALTH OFFICER OR THE SOCIAL SERVICES ADMINISTRATOR BE MADE ACCOUNTABLE FOR THIS MANDATE.

SECTION 4407. PROCEDURE FOR JUDICIAL WAIVER OF CONSENT.

(a) (LINE 11) "...whether or not they are residents of Guam".

WHO WILL BEAR THE COURT COST INCURRED?

I RECOMMEND THAT THIS BILL IDENTIFY THE SOURCE OF FUNDING.

(b) (SECOND PARAGRAPH LINES 21 AND 22). **"The court shall advise her that she has a right to court-appointed counsel and shall provide her with a counsel upon her request"**

AS WRITTEN, I BELIEVE THAT THIS WILL APPLY TO LEGAL ISSUES ONLY. WHAT THE MINOR NEEDS IS COUNSELING ON THE RAMIFICATION OF ABORTION. WILL SHE BE INFORMED OF THE RISKS INVOLVED IN THE ABORTION PROCEDURE AND THE RISK OF POST-ABORTION SYNDROME? THE LATTER CAN RESULT IN A SEVERE MENTAL DISTURBANCE.

I RECOMMEND THAT THE BILL (LAW) ADDRESS SPECIFICALLY THAT COUNSELING WILL INCLUDE INFORMATION ON THE RISKS INVOLVED IN THE ABORTION PROCEDURE AND THE POST-ABORTION SYNDROME.

(d) **"If the court finds, by clear and convincing evidence, that the minor is both sufficiently mature and well-informed to decide whether to have an abortion...."**

SINCE THERE IS NO MENTION ANYWHERE WITHIN THIS BILL THAT THE MINOR WILL BE COUNSELED ON THE RISKS INVOLVED IN ABORTION, HOW CAN ANYONE DETERMINE THAT THE MINOR IS "BOTH SUFFICIENTLY

MATURE AND WELL-INFORMED” TO DECIDE WHETHER OR NOT TO HAVE THE ABORTION?

THE RECOMMENDATION STATED ABOVE IS APPLICABLE HERE ALSO.

(e) “If the court finds, by clear and convincing evidence, that there is a pattern of physical, sexual, or emotional abuse of the complainant by one or both of her parents, her guardian, or her custodian.....the court shall issue an order authorizing the minor to consent to the performance or inducement of an abortion without the consent of the parent or guardian”.

THE COURT IS MANAGED BY JUDGES WHO ARE PEOPLE. IT IS INCONCEIVABLE TO PUT SUCH A TALL ORDER TO GIVE THEM THE RIGHT TO END OR TERMINATE A LIFE, A BABY IN THE MOTHER’S WOMB, THAT IS GOD’S GIFT TO MANKIND.

WILL THE MINOR STILL BE COUNSELED ON THE RISKS OF ABORTION AND THE POST-ABORTION SYNDROME?

I RECOMMEND THAT THE MINOR UNDERGO COUNSELING ON THE RISKS OF THE ABORTION PROCEDURE AND THE POST-ABORTION SYNDROME BEFORE THE PROCEDURE IS CARRIED OUT REGARDLESS OF THE CIRCUMSTANCE IN THE DECIDING FACTOR. THIS WAY, THE MINOR WILL BE MADE AWARE OF THE CONSEQUENCE OF HER DECISION, THUS ENSURING THAT SHE IS WELL-INFORMED AND MATURE ENOUGH TO DECIDE FOR HERSELF.

THANK YOU FOR THE OPPORTUNITY TO REACT TO BILL 323-31. I HOPE AND PRAY THAT YOU CONSIDER MY COMMENTS SERIOUSLY AND INCLUDE MY RECOMMENDATIONS ACCORDINGLY BY INCLUDING THEM IN THE FINAL VERSION THAT WILL EVENTUALLY BECOME A STATUTE OF GUAM.

SINCERELY,

TINA T. BLAS

Testimony of: Marilu Diaz Martinez
Nov. 8, 2011
Email: mariludm42@hotmail.com

Chairman Dennis Rodriguez:

I wish to go on record with my testimony acknowledging the fact that a Parental Consent Law is direly needed on our island; and Mr. Chairman, you can definitely count on my 100% support for a Parental Consent legislative initiative -- **as any pro-life advocate, parent and/or legal guardian would gladly support.**

As Bill No. **323-31** is written and presented, however, I see some room for additions or suggestions that could strengthen this Bill and garner more supporters who may have some hesitancy, as I have, in its present form; (and I want to emphasize) **IN ITS PRESENT FORM.**

I have three suggestions.

#1 Suggestion: Going to page 7, line 1 of 4406. REPORTS. Include the stipulation that all documents and records of consent, records of exceptions to the consent requirements and/or documents and records of situations waiving the consent requirements all be kept on file by the attending abortionist/physician for the standard period of time as prescribed by the "statute of limitation" law in the event an audit be required within that prescribed period of the statute of limitation.

These written records of waivers and/or documents of situations explaining the exceptions to the parental consent requirements of the law; showing proof of the written and notarized parental consent for the minor wanting to procure an abortion, all should correspond to and provide the written backing or documentation for the monthly statistical reports that this Bill requires the Attending Abortionist/Physician to submit to the Dept. of Public Health & Social Services (p.7 under 4406 Titled: REPORTS)

#2 Suggestion: Include the stipulation that notary public officials who are staff members of or affiliated with the Attending abortion/physician's clinic cannot offer nor perform their notary public service for the purpose of fulfilling Bill No. 323-31's Parental Consent Law's requirement to avoid or cause issues of conflict of interest.

#3 Suggestion: The "Attending Physician" referred to throughout this Bill who is the individual who verifies the validity and veracity of the Parental Consent documentation of the minor seeking abortion, should not be the abortionist/physician who performs the abortion, to avoid or cause issues of conflict of interest.

In closing, I want to emphasize the fact that I, along with all of us from this advocacy group representing many others who could not make it this evening, are advocates and supporters of a "parental consent" legislation. We only wish the leaders or representatives of our advocacy group were given the opportunity to sit with you to give input to your authoring of this Bill.

Thank you for sponsoring and introducing this legislative initiative.

Marilu Diaz Martinez
Pro-life advocate

LAW OFFICES

Arriola, Cowan & Arriola

JOAQUIN C. ARRIOLA
MARK E. COWAN
ANITA P. ARRIOLA
JOAQUIN C. ARRIOLA, JR.

259 MARTYR STREET, SUITE 201
CALVO - ARRIOLA BUILDING
HAGÁTÑA, GUAM 96910

MAILING ADDRESS:
P.O. BOX X
HAGÁTÑA, GUAM 96932
TELEPHONE
(671) 477-9730/3
TELECOPIER
(671) 477-9734
E-MAIL
acalaw@teleguam.net

November 9, 2011

VIA HAND DELIVERY

The Honorable Benjamin J.F. Cruz
Vice-Speaker
31st Guam Legislature
Suite 107
155 Hesler Street
Hagatna, Guam 96910

Re: Bill No. 323-31 (COR)

Dear Vice-Speaker:

I am writing to oppose Bill No. 323-31(COR), an act to require parental consent for the conduct of an abortion upon a minor.

Bill No. 323-31(COR) is a poorly drafted bill that appears to have been written and sponsored in haste and without careful review of its provisions. There are numerous typographical, grammatical and other errors which affect the substance and purpose of this bill. For example, sections 4403, 4407(e), 4407(h) and 4409(b) all contain typographical errors or missing words or phrases that affect the intent and meaning of the bill.

The substantive problems with the bill are even more numerous:

Bill No. 323-31 does not foster family unity or parental consultation. The stated purpose of the bill is to foster family unity as well as to foster parental consultation. However, the bill does precisely the opposite.

Section 4402 provides that a minor desiring an abortion must obtain the notarized written consent of one of her parents or a legal guardian. The section does not indicate what happens if the parents disagree between themselves about the abortion – who prevails? What if the parents are divorced, who has the right to give consent if there is joint legal custody (which is the norm in Guam)? Does a parent have the right to go to court to prevent an abortion if the other parent executes a consent? This bill does not foster family unity or parental consultation, it merely complicates them and raises the specter of disunity and litigation between parents.

In addition, the alternate consent procedure in section 4403 is woefully inadequate and fails to recognize the dynamics of a family affected by incest and sexual or physical abuse. Section 4403 limits the ability of a minor to obtain alternate consent to those situations where she

November 9, 2011

Re: Bill No. 323-31 (COR)

is a victim of sexual abuse, neglect, or physical abuse by “either of her parents or legal guardian(s).” In those situations the minor can obtain “notarized written consent” from a brother or sister over the age of 21 or from a stepparent or grandparent specified by the minor. But how likely is it that a minor will obtain consent from a brother, sister or grandparent (father’s parent) when she has become pregnant as a result of rape or sexual abuse by her father? And why is this exception limited to circumstances where the minor is raped or sexually abused only by a parent or legal guardian? What about other common situations in Guam where it is her mother’s boyfriend, her uncle, or her stepbrother, who has raped or sexually abused her? The alternate consent procedure in section 4403 does not take into account a family environment in which a minor cannot turn to her other family members because they won’t believe her, will blame her, or they simply refuse to give consent in order to maintain some semblance of family harmony. This section of the bill should include all sexual abuse or rape of a minor, not merely that committed by a parent or legal guardian. As a side note, how does allowing the minor’s stepmother or stepfather to give consent, when her own mother or father won’t, foster family unity and parental consultation?

Further, section 4405 provides that a parent or any other persons shall not coerce a minor to have an abortion performed. If a minor is denied financial support by her parents, guardian or custodian to her refusal to have an abortion, the minor shall be deemed emancipated for the purposes of eligibility for public-assistance benefits. What is the evidence before the Legislature that parents coerce their daughters into having abortions such that this provision is necessary? Doesn’t this provision destroy “family unity” instead of preserving it, since the minor becomes emancipated for purposes of financial support through public-assistance benefits?

Government cannot impose good family communications and it cannot force families to communicate, especially about issues such as incest, rape, sexual abuse, and abortion. The best way to protect our young women is to begin talking with them at an early age about abstinence and responsible, appropriate sexual behavior, as well as prevention of pregnancy with sex education and birth control.

Bill 323-31 is vague, confusing, and contains internally inconsistent provisions. The bill defines “sexual abuse” as any sexual conduct or sexual penetration committed against a minor by an “adult family member” as defined in the bill, or a family member as defined in Title 19, Chapter 13 and Title 9, Chapter 25. Title 19, Chapter 13 defines a family member as one who has legal or physical custody of the minor. 19 G.C.A. section 13306(a). Title 9, Chapter 25 defines a family member as someone related to the minor “by blood or affinity to the fourth degree to the victim.” 9 G.C.A. section 25.15(a)(2). These definitions are inconsistent with the alternate consent in section 4403 and the judicial consent in section 4407, which apply only when the minor is raped or sexually abused by her parent or legal guardian, and not any other family member.

November 9, 2011
Re: Bill No. 323-31 (COR)

Section 4406 requires a monthly report to be submitted to the Department of Public Health and Social Services documenting, among other things, the number of consents obtained pursuant to the bill, the minor's age, and the number of prior pregnancies and prior abortions of the minor. There is no provision protecting the privacy rights of the minor, yet the information required in the reports "shall be available to the public." Section 4406 conflicts with section 4407(c), which mandates that court proceedings for the judicial consent "shall be confidential and shall ensure the anonymity of the minor" and "shall not be available to the public." What is the point of requiring monthly reports of consents if the judicial consents are not also reported?

Bill 323-31 imposes an undue burden on the minor to obtain judicial consent. Sections 4407(d) and (e) require a court to find both that a minor is mature enough to make the decision to have an abortion and that even if she is not mature or well-informed, that an abortion is in her best interests (or continuing the pregnancy is not in her best interests). This is an undue burden on a minor, who should not have to prove both in order to obtain an abortion.

Section 4407(e) also requires a minor to prove, by clear and convincing evidence, that "there is a pattern of physical, sexual or emotional abuse of the victim by one or both of her parents, her guardian, or her custodian . . ." Why is it that one incident of rape, which resulted in the minor's pregnancy, is insufficient? How many incidents will result in a "pattern", and how does a minor prove this "by clear and convincing evidence" if her family members blame her or refuse to come to her aid?

The cruel irony is that in troubled families, those who need help the most will be the least likely to get it. A minor who is afraid to tell her parent about her pregnancy and her desire to terminate it is not going to go to court to get a judicial consent. More importantly, do we really want judges making these types of personal, important decisions for young women in Guam? How does that foster family unity and parental consultation?

Bill 323-31 fails to allow sufficient time for the judicial consent provisions to become effective. The law will go into effect immediately if passed. But the judicial consent provision cannot go into effect without the necessary rules promulgated by the court pursuant to section 4408 of the bill. If the law goes into effect and the rules have not been promulgated, it is essentially a parental consent law with no judicial bypass.

For all of the foregoing reasons, I strongly urge you to vote against Bill 323-31.

Very truly yours,


ANITA P. ARRIOLA

Agnes M. White
PO Box 7723
Tamuning, GU 96931

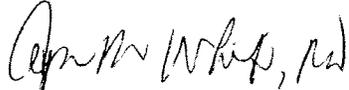
Dear Legislators,

I fully support "Bill 323-31: Parental Consent for Abortion" in its entirety.

As a registered nurse, practicing for over twenty-five years, I've had to obtain consents for something as minor as a finger stick for checking blood sugars to serious surgical procedures. An abortion is a very serious medical procedure. It is invasive and requires powerful medications. Complications, if not life-threatening, can cause extensive physical as well as emotional damage.

It is imperative that a parent be informed about any procedure to be performed on his/her minor child. An abortion is a serious matter that must require parental consent. I urge you to pass Bill 323-31 in its entirety for the safety and welfare of our children.

Thank you.



Agnes M. White, RN
aggiwhite@gmail.com
(671) 646-7176



Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>

Support for Bill 323-31

M. L. Garcia-Pereda <mlgarciapereda@gmail.com>

Tue, Nov 8, 2011 at 11:49 AM

To: senator@senatorbjcruz.com

Cc: "Honorable Adolpho B Palacios, Sr" <senabpalacios@gmail.com>, "Honorable Frank F Blas, Jr" <frank.blasjr@gmail.com>, "Honorable Christopher M. Duenas" <duenasenator@gmail.com>, "Honorable Dennis G. Rodriguez, Jr." <senatordrodriguez@gmail.com>, Honorable Rory J Respicio <rjr@ite.net>, "Honorable Aline A. Yamashita, Ph.D." <aline4families@teleguam.net>, "Honorable Judith P Guthertz, DPA" <judiguthertz@pticom.com>, Honorable Judith T Won Pat <speaker@judiwonpat.com>, Honorable Mana Silva Taijeron <senatormana@gmail.com>, "Honorable Sam Mabini, Ph.D." <info@senatormabini.com>, Honorable Thomas C Ada <tom@senatorada.org>, Honorable Tina R Muna-Barnes <munabarnes@hotmail.com>, Honorable Tina R Muna-Barnes <tinamunabarnes@gmail.com>, "Honorable V. Anthony Ada" <vanthonyada@gmail.com>, Honorable Vicente C Pangelinan <senbenp@guam.net>

8 November 2011

The Honorable Benjamin J.F. Cruz, Chairman
Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting
30th Guam Legislature
Suite 107
155 Hesler St.
Hagåtña, Guam 96910

RE: TESTIMONY IN SUPPORT OF BILL 323-31

Mr. Chairman and Members of the 31st Guam Legislature:

As a parent and grandparent, I wholeheartedly support parental consent for abortion for minors. All other medical procedures -- even the dispensing of prescribed medications on school campuses -- require parental consent. I believe that a procedure which will have a lasting impact on a person's life (as abortions do) should require parental notification AND consent.

Please vote Yes on Bill 323-31.

Respectfully,

Mary Lou Garcia-Pereda, Registered Voter
Tamuning

My name is Maria Mafnas. I am here to support Bill 323 - Parental Consent for Abortion Act. I strongly believe that every parent should be concerned with their child's welfare; especially when it involves human life. Parents and/or legal guardians should have a voice in what's best for their minor child. In the absence of parental guidance and consent, minor children, are vulnerable. Personally, I would like to be there for my daughter, to guide her in making the right decision.

My dear Senators, as leaders of this island, you are entrusted to enact laws to protect the people of the land. Most of you are also parents yourselves. Wouldn't you want to be involved in the welfare of your minor children?

Please pass this Bill.

Maria P. Espinoza
P. O. Box 4910
Hagatna, Guam 96932
email: espinozamp@yahoo.com

November 8, 2011

Senator Dennis G. Rodriguez., JR
Chairman,
Committee on Health and Human Services

REF: BILL 323-31

As any ProLife advocate, I whole-heartedly support **the intent** of Bill 323-31 cited as the "**Parental Consent for Abortion Act**" because the rights of parents and legal guardians to rear their children is being protected; however, I hesitate to support this bill entirely as presented for the following reasons:

What the bill needs, in my opinion, is to focus on Counseling for the minor and/or parents and legal guardians. We need to help the minor recover from the trauma of an unplanned pregnancy; we need to help her to be removed from abusive parents and, whenever possible, assist the whole family access professionals who can guide them to make the right decisions. For example, page 2 states four "important and compelling interests" to enact this law, but then gives the minor a way to be victimized once again by providing an alternate adult to help her get consent (page 6). What the minor needs is intense, professional counseling to help her deal with her trauma; she needs to be referred to Child Protective Services so that they can help her to be removed her from the abusers. She does not need to be subjected to a very personal, intrusive procedure- an abortion - which will only compound ~~her fragile emotional state~~ *Providing an adult to help the minor get consent* contradicts the intent of the law.

Page 5 Chapter 4A, 4401 begins the list of definitions. Great! However, please include the word "affiant". (line 22).

Page 5: 4402. "Consent of One Parent Required": I suggest that procedures be differentiated between consent to a minor female who is mentally competent from one who is INCOMPETENT. I am a parent of an adult son with significant mental retardation and am the court appointed Legal Guardian which means that his care is completely under my control. He is not able to express an opinion to any medical procedure that I feel is in his best interest. Gladly, he can not get pregnant. However, I feel that a parent of a female, whether a minor OR an adult, who is described as "incompetent" should NOT have the sole decision to ~~subject their daughter to an abortion~~ *there should be counseling to insure* that the abortion is in the ward's best interest.

Page 7 Procedure for Judicial Waiver of Consent: (a) I suggest you delete "... are available..." and change to the word APPLY. (b) lines 21 and 22: They imply to me that the

Government of Guam is providing legal counsel to non-residents! If my assumption is that it is a free service, then why do we want to do that? I suggest that verbage be added to require that only US citizens who are Guam residents are provided with counsel.

Overall, I disagreed with giving a minor the power to access the judicial system. Minors do not become mature by taking the seemingly "easiest" way out ... by getting an abortion. She should get the counseling together with her parents/guardians. Hopefully, they will come to the conclusion that even though she/they may not want the child, they will all recognize that this child deserves a life; that they conclude that she should carry the child to full term, to give birth to this child and allow a loving couple to adopt. There are families on

~~Guam and the continental US who are willing to adopt a child. She needs~~

counseling NOT an abortion.

Thank you for giving me an opportunity to express my views.

Sincerely,

Maria Espinoza

Maria G. P. Espinoza

Honorable Benjamin J.F. Cruz
Vice-Speaker, 31st Guam Legislature
Chairman, Committee on Youth, Cultural Affairs, Procurement, General Government
Operations and Public Broadcasting
Suite 107
155 Hesler St.
Hagåtña, Guam 96910

**RE: TESTIMONY IN FAVOR OF BILL 323-31, THE PARENTAL CONSENT FOR
ABORTION ACT**

November 7, 2011

Dear Senator Cruz:

Thank you for giving Bill 323-31 a prompt hearing. Parental Consent for Abortion is a common sense regulation and I strongly support it.

As you are very aware, the sexual abuse of teens by persons in authority is an all too common occurrence. When these teens get pregnant, they are often coerced into having an abortion by their abuser.

The Elliott Institute documents that 64% of all abortions are coerced. While we can acknowledge that in some cases the abuser is sometimes the girl's own father, in most cases it is another male, and parental consent for abortion would help close the gap that allows many of these sexual predators to escape justice.

In light of this sexual abuse of teen girls and opportunistic abortionists, 36 states now require some parental involvement in a minor's decision to have an abortion. (Guttmacher Institute, State Policies in Brief, 11/1/11). It is hoped that the lawmakers of Guam will see fit to extend the same protections to Guam's teen girls.

In recent debates over bills dealing with the issue of abortion, the subject of constitutionality has consistently come up, and in at least one case, grossly delayed action on a bill. In anticipation of a similar challenge, please allow me to share a few facts about the constitutionality of this legislation:

In *Planned Parenthood v Casey* (1992), a plurality of the U.S. Supreme Court ruled that a state may constitutionally require a minor seeking an abortion to obtain the consent of a parent or guardian. Specifically, the Court held that certain provisions, such as a required reflection period and a chance for parents to privately discuss with their daughters the values and moral principles in the situation, carry particular force with respect to minors. Based upon the Court's

decision and subsequent lower federal court decisions, a parental consent law is constitutional and does not place an undue burden on minors if it contains the following provisions:

- No physician may perform an abortion upon a minor or incompetent person unless the physician performing the abortion has received consent from one parent or the legal guardian of the minor or incompetent person;
- An exception to the consent requirement exists when there is a medical emergency; and
- A minor may bypass the requirement through the courts (i.e., judicial bypass).

- Planned Parenthood v. Casey, 505 U.S. 833, 899 (1992)

It is my hope that under the purview of your Committee, this bill will be given fair treatment. However, I must express my concern at the news that this bill was taken away from Senator Rodriguez and the Committee on Health.

Should this bill be signed in to law, it will most certainly have to be included under Title 10, Chapter 3, of the Guam Code: Public Health and Social Services, making Bill 323-31, properly the domain of Senator Rodriguez' Committee on Health.

Since Senator Rodriguez is now known to be on the Democratic Party Hit List, it seems that this move was motivated by animosity towards Rodriguez. In addition, given the political and legislative machinations involved with two previous abortion bills (Bills 54-30 and 52-31), I must share with you that my first thought was: "Here we go again!"

So in the hopes of warding off another episode of what I call the "Respicio Three Shell Game", may I recall the following:

As you may recall, Bill 54-30, as reported out of the Committee on Health on 11/05/10, never made it to the Legislative Floor. Instead, on 11/26/10, an entirely different bill with the same number and presented "as substituted on the floor" came before the Legislature in violation of the Legislative Standing Rules for the substitution of bills.

I say "in violation" because as per the video record of the session, there was no motion to accept the bill "as substituted on the Floor by the Committee on Rules", as legislative procedures require. From the video record, it is quite obvious that the Speaker knew the necessary procedure was being violated and forced the debate to continue anyway in what certainly appeared to be a preplanned move.

To confirm the violation I asked for a copy of the journal for the session and was put off for seven months before I could obtain a copy. Amazingly, the journal records a motion to accept the bill "as substituted on the Floor" in complete contrast to the video record.

Given that the Speaker knew what I was after, it appears that the journal was purposely doctored to cover this arrogant abuse of the people's trust.

Bill 54-30 would have required women seeking to procure an abortion to be fully informed of the possible risks and alternatives to abortion. However, the bill "as substituted on the Floor" gutted all the informational requirements except a provision requiring the woman to be also informed of the risks of carrying a child to term.

A bill requiring an abortionist to warn an expectant mother of the risk of carrying a child to term is a bill that promotes abortion. Incredibly the Legislature voted for it and the Governor rightly vetoed it. An entire account of the sad saga of Bill 54-30 is recorded [here](#).

As you may be aware, the controversy over Bill 54-30, and then-Senator Aguon's connection to it, is alleged to be at the root of the difference of the very small number of votes that separated the winners from the losers in the last gubernatorial election. Aguon so much as admitted this during the debate over the bill on 11/26/10 (You can view his statements [here](#).)

Sadly, we saw the same shameless shenanigans with Bill 52-31, which had the same intent as Bill 54-30. On March 28, 2011, Senator Dennis Rodriguez, Chairman of the Committee on Health, requested for the bill to be placed on the next legislative agenda at a meeting of the Rules Committee.

As per the video record, Senator Rodriguez's work as chair of the bill's oversight committee was completely ignored by Senator Respicio, who, in violation of the Standing Rules and the people's trust, discarded the bill as presented by Senator Rodriguez and passed out his own Bill 52-31 which lined out all the relevant information provisions - the whole point of the bill.

As per the Standing Rules of the 31st Guam Legislature, the Committee on Rules is authorized to amend a bill that comes before it. However, no amendment procedure took place. The Bill 52-31 that came before the public and passed through the Committee on Health was completely discarded while Senator Respicio unethically and without proper authority, replaced it with his own bill.

When Senator Rodriguez objected and Senator Duenas asked for an explanation, Senator Respicio gave an instruction to turn off the video recording and continued the discussion off the record in violation of the Open Government Law. (See the video [record](#).)

When a copy of the minutes of this meeting was obtained, the minutes did indeed refer to the discussion that ensued after the recording was shut off. Senators Rodriguez and Duenas also confirmed that the discussion in fact occurred. The discussion was central to the fate of Bill 52-31 and under the Open Government Law the public had a right to the record of this discussion.

When a FOIA request was sent to Senator Respicio's office for a record of the discussion noted in the minutes and deleted from the video, he replied (through Vince Arriola) that the minutes were in error.

The whole scam blew up in public over the next few days and the bill was withdrawn from the agenda and referred back to the Committee on Health where it now sits.

In regards to Bill 323-31, the Parental Consent for Abortion Act, I simply ask for fair and open treatment of the legislation and respect for the intelligence of the people of Guam.

If you have any questions, please feel free to contact me directly as per my contact information noted below.

Thank you for your considering my comments,

Timothy J. Rohr
PO Box 9001
Agat, Guam 96928
(671) 483-0467
timrohr.guam@gmail.com
www.esperansa.org
www.guamopengovernment.org



Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>

Bill 323 - Parental Consent for Abortion

Jeff Johnson <lcg@guam.net>

Tue, Nov 8, 2011 at 10:20 AM

To: "Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Telo Taitague <senatortelo@gmail.com>, "James V. Espaldon" <senator@espaldon.com>, Ray Tenorio <ray@raytenorio.com>, "Edward J. B. Calvo" <senecalvo@gmail.com>, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Vicente C. Pangelinan" <senbenp@guam.net>, "Adolpho B. Palacios, Sr." <senabpalacios@gmail.com>, "Thomas C. Ada" <tom@senatorada.org>, "Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, "Rory J. Respicio" <roryforguam@gmail.com>, "Tina R. Muna-Barnes" <tinamunabarnes@gmail.com>, "Benjamin J.F. Cruz" <senadotbjcruz@gmail.com>, "Judith T. Won Pat, Ed.D" <speaker@judiwonpat.com>

Dear Senators:

I am writing to you because, I understand, Bill 323 will be coming before our legislature this evening. I am strongly in favor of this bill, requiring parental consent before an abortion could be done to a minor child. This only makes sense, when parental permission is required for every other action, from taking a field trip to the giving of an aspirin in school. Please do the sensible thing and vote in favor of Bill 323. Thank you.

Jeff Johnson

Pastor Jeff Johnson
The Lutheran Church of Guam
787 W. Marine Corps Drive
Hagatna, GU 96910
www.lutheranchurchofguam.org
lcg@guam.net
Work - [671-477-8595](tel:671-477-8595)
Home - [671-477-4578](tel:671-477-4578)
Fax - [671-477-4732](tel:671-477-4732)

"For nothing is impossible with God." Luke 1:37



Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>

YES TO BILL 323-31

Ebet Sapida <ebet@kuam.com>

Wed, Oct 26, 2011 at 3:43 PM

To: senator@senatorbjcruz.com

The Honorable Benjamin J.F. Cruz, Chairman
Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public
Broadcasting
30th Guam Legislature
Suite 107
155 Hesler St.
Hagåtña, Guam 96910

RE: TESTIMONY IN SUPPORT OF BILL 323-31

Mr. Chairman and Members of the 31st Guam Legislature:

I support parental consent for abortion for minors. Please vote yes on Bill 323-31.

Respectfully,
Eribert Sapida
Dededo, Guam



COMMITTEE ON RULES

I Mina'trentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

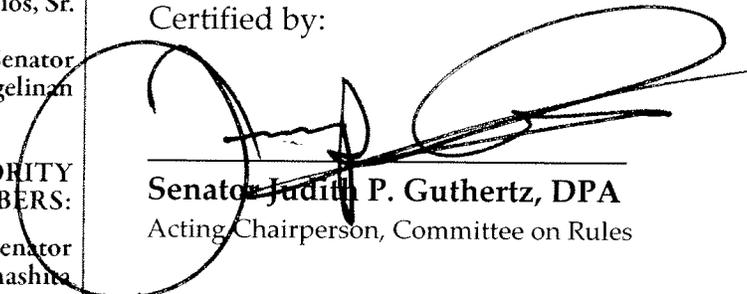
Senator
Christopher M. Duenas

Certification of Waiver of Fiscal Note Requirement

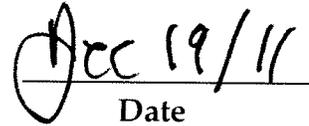
This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 323-31 (COR) – “AN ACT TO REQUIRE PARENTAL CONSENT FOR THE CONDUCT OF AN ABORTION UPON A MINOR, BY ADDING A NEW CHAPTER 4A TO TITLE 19, GUAM CODE ANNOTATED.”** – on October 7, 2011. COR hereby certifies that BBMR confirmed receipt of this request on October 7, 2011.

COR further certifies that a response to this request was not received by 5:00 P.M. on October 27, 2011, the fourteenth day after the request was received by BBMR. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 323 to be included in the committee report on said bill, is hereby waived.**

Certified by:



Senator Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules



Date



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

671 472-7679
671 472-3547
RJR

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

October 7, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 323-31 (COR through 337-31 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

MESSAGE CONFIRMATION

OCT-07-2011 04:29 PM FRI

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 11
START TIME : OCT-07-2011 04:28PM FRI
ELAPSED TIME : 01' 48"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

I Mina'trentai Umu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hiesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guibertz
VICE CHAIRPERSON
MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Rose Maña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Luis G. Rodriguez, Jr.
AST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Alpho B. Palacios, Sr.

Senator
Vicente C. Pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
MINORITY LEADER

Senator
Christopher M. Duenas

October 7, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Note -
Bill Nos. 323-31 (COR through 337-31 (COR)

Hafa Ada Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Umu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os nu'üse' for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

Attachments

Cc: Clerk of the Legislature

Rec'd by Jackie
date: 10/7/11
time 4:48pm

I Mina' Trentai Unu Na Liheslaturan Guåhan
Bill Log Sheet
September 30, 2011
 Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	SI (I) Passed Over Publ
323-31 (COR)	D. G. Rodriguez, Jr.	AN ACT TO REQUIRE PARENTAL CONSENT FOR THE CONDUCT OF AN ABORTION UPON A MINOR, BY ADDING A NEW CHAPTER 4A TO TITLE 19, GUAM CODE ANNOTATED.	09/30/11 4:51 p.m.	10/5/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcasting.			



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

2011 OCT -5 PM 11:1

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

October 5, 2011

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 

Subject: Referral of Bill Nos. 323-31(COR) through 325-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 323-31 (COR) through 325-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(3) Attachment

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

September 30, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	S (U) (V) (Ove) (Pub)
323-31 (COR)	D. G. Rodriguez, Jr.	AN ACT TO REQUIRE PARENTAL CONSENT FOR THE CONDUCT OF AN ABORTION UPON A MINOR, BY ADDING A NEW CHAPTER 4A TO TITLE 19, GUAM CODE ANNOTATED.	09/30/11 4:51 p.m.	10/5/11		Committee on Youth, Cultural Affairs, Procurement, General Government Operations and Public Broadcastin g.			



Chris Carillo <chris.carillo@senatorbjcruz.com>

RE: First Notice of Public Hearing - November 8, 20118 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>**Mon, Oct 31, 2011 at 2:47 PM**

To: speaker@judiwonpat.com, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>, phnotice@guamlegislature.org, Senator Adolpho Palacios <ABPalacios@gmail.com>, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, Sarah Thomas-Nededog <sarah.nededog@senatorbjcruz.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>

Cc: mindy@kuam.com, Sabrina Salas <sabrina@kuam.com>, jason@kuam.com, bmkelman@guampdn.com, dcrisostomo@guampdn.com, Ray Gibson <rgibson@k57.com>, therese.hart.writer@gmail.com, thebigshow@k57.com, travis.coffman@gmail.com, Janela <janela@mvguam.com>, hottips@kuam.com, Pacific News Center <news@spbguam.com>, news@guampdn.com, news@k57.com, parroyo@k57.com, Kevin Kerrigan <kevin@spbguam.com>, clynt@spbguam.com, krystal@kuam.com, kenq@kuam.com

October 31, 2011

MEMORANDUM**TO: All Members/All Senators****FROM: Vice Speaker Benjamin J.F. Cruz****RE: First Notice of Public Hearing – November 8, 2011**

Hafa Adai All!

Please be advised that the **Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting** will conduct a Public Hearing on **Tuesday, November 8, 2011**, beginning at **6 P.M.**, in the Legislature's Public Hearing Room for the following item:

- Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated

If written testimonies are to be presented at the hearing, we request that you provide copies for distribution, or they may be submitted one day prior to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Chris Carillo at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at chris.carillo@senatorbjcruz.com

Senseramente,

Chris Carillo

Office of the Vice-Speaker, Senator Benjamin J.F.Cruz
Chairman, Committee on Youth, Cultural Affairs, Procurement,
General Government Operations, and Public Broadcasting

I Mina'Trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910
Phone: (671) 477-2520/1
Fax: (671) 477-2522
Web Address: <http://www.senatorbjcruz.com>
E-mail: chris.carillo@senatorbjcruz.com

NOTICE: The information in this e-mail message, including any attachments, is for the sole use of the intended recipient (s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact me by reply e-mail, or call me collect at (671) 477-2520/1, and destroy all copies of the original message.

 PHNOTICE11.8.2011.pdf
79K

Mail Delivery Subsystem <mailer-daemon@googlemail.com>
To: chris.carillo@senatorbjcruz.com

Mon, Oct 31, 2011 at 2:48 PM

Delivery to the following recipient failed permanently:

news@guampdn.com

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550 5.7.1 We don't accept strange character sets. (state 18).

----- Original message -----

Received: by 10.68.36.166 with SMTP id r6mr20748690pbj.77.1320036472410;
Sun, 30 Oct 2011 21:47:52 -0700 (PDT)

Return-Path: <chris.carillo@senatorbjcruz.com>

Received: from LENOVO292558A4 (202.128.4.44.guam.net. [202.128.4.44])
by mx.google.com with ESMTPS id i10sm39162512pbn.10.2011.10.30.21.47.38
(version=TLSv1/SSLv3 cipher=OTHER);
Sun, 30 Oct 2011 21:47:48 -0700 (PDT)

From: "Chris Carillo" <chris.carillo@senatorbjcruz.com>

To: <speaker@judiwonpat.com>,
"Senator Tom Ada" <tom@senatorada.org>,
<senatortonyada@guamlegislature.org>,
<senator@tinamunabarnes.com>,
"Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>,
<senator@senatorbjcruz.com>,
<duenasenator@gmail.com>,
<judiguthertz@gmail.com>,
<senatorsam@senatormabini.com>,
"Senator Ben C. Pangelinan" <senbenp@guam.net>,
<cor@guamlegislature.org>,
<senatordrodriguez@gmail.com>,
<senatormana@gmail.com>,
"Aline Yamashita" <Aline4families@gmail.com>,
<phnotice@guamlegislature.org>,
"Senator Adolpho Palacios" <ABPalacios@gmail.com>,
"Joshua Tenorio" <joshua.tenorio@senatorbjcruz.com>,
<carlos.pangelinan@senatorbjcruz.com>,
<mike.lidia@senatorbjcruz.com>,
"Sarah Thomas-Nededog" <sarah.nededog@senatorbjcruz.com>,
"Benjamin J.F. Cruz" <senator@senatorbjcruz.com>

Cc: <mindy@kuam.com>,
"Sabrina Salas" <sabrina@kuam.com>,
<jason@kuam.com>,
<bmkelman@quampdn.com>,
<dcrisostomo@quampdn.com>,
"Ray Gibson" <rgibson@k57.com>,
<therese.hart.writer@gmail.com>,
<thebigshow@k57.com>,
<travis.coffman@gmail.com>,
"Janela" <janela@mvquam.com>,
<hottips@kuam.com>,
"Pacific News Center" <news@spbquam.com>,
<news@quampdn.com>,
<news@k57.com>,
<parroyo@k57.com>,
"Kevin Kerrigan" <kevin@spbquam.com>,
<clynt@spbquam.com>,
<krystal@kuam.com>,
<keng@kuam.com>

Subject: =?iso-8859-1?Q?RE:_First_Notice_of_Public_Hearing_-_November_8=2C_2011_?=

Date: Mon, 31 Oct 2011 14:47:40 +1000

Message-ID: <4eae2874.2a30440a.4e8b.5c35@mx.google.com>

MIME-Version: 1.0

Listserv: phnotice@guamlegislature.org

As of Nov. 03, 2011

aguon4guam@gmail.com
alerta.jermaine@gmail.com
aline4families@gmail.com
ataylor.senatordrodriguez@gmail.com
audrey@judiwonpat.com
baza.matthew@gmail.com
berlene@senatorpalacios.com
bruce.lloyd.media@gmail.com
candasofrank@gmail.com
carlo@tinamunabarnes.com
chechsantos@gmail.com
chelsa@tinamunabarnes.com
cherbert.senatordrodriguez@gmail.com
cipo@guamlegislature.org
clerks@guamlegislature.org
colleen@judiwonpat.com
cor@guamlegislature.org
cyrus@senatorada.org
doc.wyttenbachsantos@gmail.com
duenasenator@gmail.com
edleonguerrero@gmail.com
edpocaigne@judiwonpat.com
edwardglee671@yahoo.com
elaine@tinamunabarnes.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
faith.r@senatormabini.com
faith.r@senatormabini.com
fbtorres@judiwonpat.com
floterlaje@gmail.com
frank.blasjr@gmail.com
gavin@tinamunabarnes.com
guamnativesun@yahoo.com
jamespcastro@gmail.com
jane@tinamunabarnes.com
jason@senatorpalacios.com
jcamacho@senatorada.com
jean@tinamunabarnes.com
jeff.m@senatormabini.com
jennifer@senatorpalacios.com
jmesngon.senatordrodriguez@gmail.com
john.calvo@noaa.gov
joshua.tenorio@senatorbjcruz.com
judiguthertz@gmail.com
julian@senatorpalacios.com
leonguerrero.angela@gmail.com
lou4families@gmail.com
louise_atalig@yahoo.com
markaflague@gmail.com
maryfejeran@gmail.com
mcarlson@guamlegislature.org
mis@guamlegislature.org
msuarez.senatordrodriguez@gmail.com
mtorres.senatordrodriguez@gmail.com
miracle.m@senatormabini.com
nsantos@senatorada.org
office@senatorada.org
oliviampalacios@gmail.com
peterlg@gmail.com
phillipsguam@gmail.com
pris@senatorpalacios.com
rftteehan@yahoo.com
richard@tinamunabarnes.com
rob.tupaz@gmail.com
roryforguam@gmail.com
Santos.duenas@gmail.com
sem@guamlegislature.org
senator@senatorbjcruz.com
senator@senatorpalacios.com
senator@tinamunabarnes.com
senatordrodriguez@gmail.com
senatormabini@senatormabini.com
senatorsam@senatormabini.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgrarmes@guamlegislature.org
speaker@judiwonpat.com
tanya4families@gmail.com
tcastro@guam.net
telo.taitague@guam.gov
tinaokada@gmail.com
tom@senatorada.org
tterlaje@guam.net
uriah@tinamunabarnes.com
val.g@senatormabini.com
victoria@senatorpalacios.com
vkomiyama.senatordrodriguez@gmail.com
wilcastro671@gmail.com
jimespaldon@yahoo.com



October 31, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

A handwritten signature in black ink, appearing to be 'BJCruz', written over the 'FROM' line.

RE: First Notice of Public Hearing – November 8, 2011

Hafa Adai All!

Please be advised that the **Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting** will conduct a Public Hearing on **Tuesday, November 8, 2011**, beginning at **6 P.M.**, in the Legislature's Public Hearing Room for the following item:

- Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated

If written testimonies are to be presented at the hearing, we request that you provide copies for distribution, or they may be submitted one day prior to the Office of the Vice Speaker Benjamin J.F. Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Chris Carillo at the Office of the Vice Speaker Benjamin J.F. Cruz at 477-2521 or via email at chris.carillo@senatorbjcruz.com



Chris Carillo <chris.carillo@senatorbjcruz.com>

Second Notice of Public Hearing- November 8, 2011

2 messages

Chris Carillo <chris.carillo@senatorbjcruz.com>**Sun, Nov 6, 2011 at 5:12 PM**

To: speaker@judiwonpat.com, Senator Tom Ada <tom@senatorada.org>, senatortonyada@guamlegislature.org, senator@tinamunabarnes.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, duenasenator@gmail.com, judiguthertz@gmail.com, senatorsam@senatormabini.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, cor@guamlegislature.org, senatordrodriguez@gmail.com, senatormana@gmail.com, Aline Yamashita <Aline4families@gmail.com>, phnotice@guamlegislature.org, Senator Adolpho Palacios <ABPalacios@gmail.com>, Joshua Tenorio <joshua.tenorio@senatorbjcruz.com>, carlos.pangelinan@senatorbjcruz.com, mike.lidia@senatorbjcruz.com, Sarah Thomas-Neddog <sarah.neddog@senatorbjcruz.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>
Cc: mindy@kuam.com, Sabrina Salas <sabrina@kuam.com>, jason@kuam.com, bmkelman@guampdn.com, dcrisostomo@guampdn.com, Ray Gibson <rgibson@k57.com>, therese.hart.writer@gmail.com, thebigshow@k57.com, travis.coffman@gmail.com, Janela <janela@mvguam.com>, hottips@kuam.com, Pacific News Center <news@spbgum.com>, news@guampdn.com, news@k57.com, parroyo@k57.com, Kevin Kerrigan <kevin@spbgum.com>, clynt@spbgum.com, krystal@kuam.com, kenq@kuam.com

November 6, 2011**MEMORANDUM****TO: All Members/All Senators****FROM: Vice Speaker Benjamin J.F. Cruz****RE: Second Notice of Public Hearing – November 8, 2011**

Hafa Adai All!

Please be advised that the **Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting** will conduct a Public Hearing on **Tuesday, November 8, 2011**, beginning at **6 P.M.**, in the Legislature's Public Hearing Room for the following item:

- Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated

If written testimonies are to be presented at the hearing, we request that you provide copies for distribution, or they may be submitted one day prior to the Office of the Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA) should you require assistance or



November 6, 2011

MEMORANDUM

TO: All Members/All Senators

FROM: Vice Speaker Benjamin J.F. Cruz

RE: Second Notice of Public Hearing – November 8, 2011

Hafa Adai All!

Please be advised that the Committee on Youth, Cultural Affairs, Procurement, General Government Operations, and Public Broadcasting will conduct a Public Hearing on Tuesday, November 8, 2011, beginning at 6 P.M., in the Legislature's Public Hearing Room for the following item:

· Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated

If written testimonies are to be presented at the hearing, we request that you provide copies for distribution, or they may be submitted one day prior to the Office of the Vice Speaker Benjamin J.F. Cruz, 155 Hesler Place, Hagatna Guam 96910. They may be sent via facsimile to 477-2522, or via email to chris.carillo@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA) should you require assistance or accommodations please contact Chris Carillo at the Office of the Vice Speaker Benjamin J.F. Cruz at 477-2521 or via email at chris.carillo@senatorbjcruz.com.



Public Hearing Agenda

November 8, 2011

Public Hearing Notices were sent via Email to all Senators and Media on October 31st and November 6th 2011

6:00 P.M. Public Hearing Room

- Bill No. 323-31 (COR) - D.G. Rodriguez, Jr. An act to require parental consent from the conduct of an abortion upon a minor, by adding a new Chapter 4A to Title 19, Guam Code Annotated

MINA' TRENTAI UNU NA LIHESLATURAN GUAHAN
2011 (FIRST) Regular

Bill No. 323-31 (CoE)

Introduced by:

D.G. RODRIGUEZ, JR. 

AN ACT TO REQUIRE PARENTAL CONSENT
FOR THE CONDUCT OF AN ABORTION UPON
A MINOR, BY ADDING A NEW CHAPTER 4A
TO TITLE 19, GUAM CODE ANNOTATED.

2011 SEP 20 PM 4:51


1
2
3
4
5
6
7
8
9
10
11
12

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act may be cited as the *“Parental Consent for Abortion Act.”*

Section 2. Legislative Findings and Intent: (a) *I Liheslaturan Guåhan* finds:

1. Immature minors often lack the ability to make fully informed choices that take into account both immediate and long-range consequences.
2. The medical, emotional, and psychological consequences of abortion are sometimes serious and can be lasting, particularly when the patient is immature.

1 3. The capacity to become pregnant and the capacity for mature
2 judgment concerning the wisdom of an abortion are not necessarily
3 related.

4 4. Parents ordinarily possess information essential to a physician's
5 exercise of his or her best medical judgment concerning the child.

6 5. Parents who are aware that their minor daughter has had an
7 abortion may better ensure that she receives adequate medical
8 attention after her abortion.

9 6. Parental consultation is usually desirable and in the best interest of
10 the minor.

11 (b) It is the intent of *I Liheslaturan Guåhan* in enacting this parental
12 consent law to further the important and compelling interests of:

13 1. Protecting minors against their own immaturity.

14 2. Fostering family unity and preserving the family as a viable
15 social unit.

16 3. Protecting the constitutional rights of parents to rear
17 children who are members of their household.

18 4. Reducing teenage pregnancy and unnecessary abortion.

19 5. In light of the foregoing statements of purpose, allowing for
20 the judicial bypasses of the parental consent requirement to be
21 made only in exceptional or rare circumstances.

1 that the minor intends to seek an abortion and that the affiant
2 consents to the abortion.

3 (d) "*Department*" means the Department of . . .

4 (e) "*Emancipated minor*" means any person under eighteen (18)
5 years of age who is or has been married or who has been legally
6 emancipated.

7 (f) "*Incompetent*" means any person who has been adjudged a
8 disabled person and has had a guardian appointed for her
9 pursuant to judicial proceeding and determination.

10 (g) "*Medical emergency*" means a condition that, on the basis of the
11 physician's good-faith clinical judgment, so complicates the
12 medical condition of a pregnant woman as to necessitate the
13 immediate abortion of her pregnancy to avert her death or for
14 which a delay will create serious risk of substantial and
15 irreversible impairment of a bodily function.

16 (h) "*Neglect*" means the failure of a parent or legal guardian to
17 supply a child with necessary food, clothing, shelter, or medical
18 care when reasonably able to do so or the failure to protect a child
19 from conditions or actions that immediately and seriously
20 endanger the child's physical or mental health when reasonably
21 able to do so.

22 (i) "*Physical abuse*" means any physical injury intentionally
23 inflicted by a parent or legal guardian on a child.

1 (j) *“Physician”* or *“attending physician”* means any person licensed
2 to practice medicine on Guam. The term includes medical doctors
3 and doctors of osteopathy.

4 (k) *“Sexual abuse”* means any sexual conduct or sexual penetration
5 as defined in §25.10(a)(8) and (9) of Chapter 25, Title 9, Guam
6 Code Annotated, and committed against a minor by an adult
7 family member as defined in this Act or a family member as
8 defined in Chapter 13 of Division 1, Title 19, Guam Code
9 Annotated, and as further provided for in Chapter 25, Title 9,
10 Guam Code Annotated.

11 **§4402. Consent of One Parent Required.** Except in the case of a
12 medical emergency, or except as provided in Sections §4403, §4404, or
13 §4407, if a pregnant woman is less than 18 years of age and not
14 emancipated, or if she has been adjudged an incompetent person pursuant
15 to judicial proceeding and determination, no person shall perform an
16 abortion upon her unless, in the case of a woman who is less than 18 years
17 of age, he or she first obtains the notarized written consent of both the
18 pregnant woman and one of her parents or a legal guardian; or, in the case
19 of a woman is an incompetent person, he or she first obtains the notarized
20 written consent of her guardian. In deciding whether to grant such
21 consent, a pregnant woman’s parent or guardian shall consider only the
22 child’s or ward’s best interests.

1 **§4403. Alternate Consent.** If the minor patient declares in a signed
2 written statement the she is a victim of sexual abuse, neglect, or physical
3 abuse by either of her parents or legal guardian(s), then the attending
4 physician shall obtain the notarized written consent required by this Act
5 from a brother or sister of the minor who is over 21 years of age, or from a
6 stepparent or grandparent specified by the minor. The physician who
7 intends to perform the abortion must certify in the patient’s medical record
8 that he or she has received the written declaration of abuse or neglect. Any
9 physician relying in good faith on a written statement under this Section
10 shall not be civilly or criminally liable under any provisions of this Act for
11 failure to obtain consent.

12 **§4404. Exceptions.** Consent shall not be required under Section 4 or
13 5 of this Act, if:

14 1. The attending physician certifies in the patient’s medical
15 record that a medical emergency exists and there is insufficient
16 time to obtain the required consent; or

17 2. Consent is waived under §4407 of this Chapter.

18 **§4405. Coercion Prohibited.** A parent or any other person shall not
19 coerce a minor to have an abortion performed. If a minor is denied
20 financial support by the minor’s parents, guardian, or custodian due to the
21 minor’s refusal to have an abortion performed, the minor shall be deemed
22 emancipated for the purposes of eligibility for public-assistance benefits,
23 except that such benefits may not be used to obtain an abortion.

1 **§4406. Reports.** A monthly report indicating the number of consents
2 obtained pursuant to this Act, the number of times in which exceptions
3 were made to the consent requirement under this Act, the type of
4 exception, the minor's age, and the number of prior pregnancies and prior
5 abortions of the minor *shall* be filed with the Department of Public Health
6 & Social Services on forms prescribed by the Department. A compilation of
7 the data reported shall be made by the Department on an annual basis and
8 shall be available to the public.

9 **§4407. Procedure for Judicial Waiver of Consent.** (a) The
10 requirements and procedures under this Section are available to minors
11 and incompetent persons whether or not they are residents of Guam.

12 (b) The minor or incompetent person may petition the Superior
13 Court of Guam for a waiver of the consent requirement and may
14 participate in proceeding on her own behalf. The petition shall include a
15 statement that the complainant is pregnant and unemancipated. The
16 petition shall also include a statement that consent has not been waived
17 and that the complainant wishes to abort without obtaining consent as
18 provided pursuant to this Chapter. The court shall appoint a guardian *ad*
19 *litem* for her. Any guardian *ad litem* appointed under this Act shall act to
20 maintain the confidentiality of the proceedings.

21 The court shall advise her that she has a right to court-appointed
22 counsel and shall provide her with counsel upon her request.

1 (c) Court proceedings under this Section shall be confidential and
2 shall ensure the anonymity of the minor or incompetent person. All court
3 proceedings under this Section shall be sealed. The minor or incompetent
4 person shall have the right to file her petition in the court using a
5 pseudonym or using solely her initials. All documents related to this
6 petition shall be confidential and shall not be available to the public. These
7 proceedings shall be given precedence over other pending matters to the
8 extent necessary to ensure that the court reaches a decision promptly. The
9 court shall rule, and issue written findings of fact and conclusions of law,
10 within 48 hours of the time the petition was filed, except that the 48-hour
11 limitation may be extended at the request of the minor or incompetent
12 person. If the court fails to rule within the 48-hour period and an extension
13 was not requested, then the petition shall be deemed to have been granted,
14 the consent requirement shall be waived.

15 (d) If the court finds, by clear and convincing evidence, that the
16 minor is both sufficiently mature and well-informed to decide whether to
17 have an abortion, the court shall issue an order authorizing the minor to
18 consent to the performance or inducement of an abortion without the
19 consent of a parent or guardian and the court shall execute the required
20 forms. If the court does not make the finding specified in this
21 subparagraph or subparagraph (e) of this Section, it shall dismiss the
22 petition.

1 (e) If the court finds, by clear and convincing evidence, that there is a
2 pattern of physical, sexual, or emotional abuse of the complainant by one
3 or both of her parents, her guardian, or her custodian, or that that the
4 notification of a parent or guardian is not in the best interest of the
5 complainant, the court shall issue an order authorizing the minor to
6 consent to the performance or inducement of an abortion without the
7 consent of the parent or guardian. If the court does not make a finding
8 specified in this subparagraph or subparagraph (d) of this Section, it shall
9 dismiss the petition.

10 (f) A court that conducts proceedings under this Section shall issue
11 written and specific factual findings and legal conclusions supporting its
12 decision and shall order that a confidential record of the evidence and the
13 judge's findings and conclusions be maintained. At the hearing, the court
14 shall hear evidence relating to the emotional development, maturity,
15 intellect, and understanding of the minor.

16 (g) An expedited confidential appeal shall be available, as the
17 Supreme Court of Guam provides by rule, to any minor or incompetent
18 person to whom the [circuit] court denies a waiver of consent. An order
19 authorizing an abortion without consent shall not be subject to appeal.

20 (h) No filing fees shall be required of any pregnant minor who
21 petitions the court for a waiver of parental consent pursuant to this Act at
22 either the trial or appellate level.

1 **§4408. Appeal Procedure.** The Unified Judiciary of Guam is
2 respectfully requested to establish rules to ensure that proceedings under
3 this Act are handled in an expeditious and confidential manner, and to
4 satisfy the requirements of the federal courts.

5 **§4409. Penalties.** (a) Any person who intentionally performs an
6 abortion with knowledge that or with reckless disregard as to whether the
7 person upon whom the abortion is to be performed is an unemancipated
8 minor or an incompetent without obtaining the required consent is guilty
9 of a misdemeanor.

10 It is a defense to prosecution under this section that the minor falsely
11 represented her age or identity to the physician to be at least 18 years of
12 age by displaying an apparently valid governmental record of
13 identification such that a careful and prudent person under similar
14 circumstances would have relied on the representation. The defense does
15 not apply if the physician is shown to have had independent knowledge of
16 the minor's actual age or identity or failed to use due diligence in
17 determining the minor's age or identity.

18 (b) Failure to obtain consent from person(s) from whom consent is
19 required under this Act is *prima facie* evidence of failure to obtain consent
20 and of interference with family relations in appropriate civil actions. Such
21 *prima facie* evidence shall not apply to any other issue other than failure to
22 inform the parents or legal guardian and interference with family relations
23 in appropriate civil actions. The civil action may be based on a claim that

1 the at as a result of simple negligence, gross negligence, wantonness,
2 willfulness, intention, or other legal standard of care. The laws of Guam
3 shall not be construed to preclude the award of exemplary damages in any
4 appropriate civil action relevant to violations of this Act. Nothing in this
5 Act shall be construed to limit the common law rights of the parents or
6 legal guardians.

7 (c) Any person not authorized to provide consent under this Act
8 who provides consent is guilty of a misdemeanor.

9 (d) Any person who coerces a minor to have an abortion is guilty of
10 a misdemeanor.

11 **§4410. Construction.** (a) Nothing in this Chapter shall be construed
12 or interpreted as making the conduct of an abortion illegal; when
13 conducted pursuant to applicable law, this Chapter, and performed by a
14 licensed medical physician.

15 **§4411. Severability.** If any provision of this law or its application to any
16 person or circumstance is found to be invalid or contrary to law, such invalidity
17 shall *not* affect other provisions or applications of this law which can be given
18 effect without the invalid provisions or applications, and to this end the provisions
19 of this Act are severable.”

20 **Section 3. Effective Date.** This Act shall become immediately
21 effective upon enactment.