

May 14, 1981

LB 466

SPEAKER MARVEL: Motion lost. Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise in support of Senator Marsh's amendment. I happen to agree with the basic concept of a parental notification provision. I agree because I think that it is important that families be together when a young woman faces a decision with respect to an abortion but I have been in my own mind attempting to work out an appropriate bright line, so to speak, to distinguish the mature minor from the immature minor. Now when I first approached the issue, I said maybe, I said to myself that maybe what I should do is to allow the physician to make the decision with respect to the maturity of a minor but I realize that that would probably put a physician in a difficult place because a physician might misjudge and perform an abortion and then be subjected to an unprofessional conduct charge if not some criminal sanction. So it seemed to me that the better way of trying to distinguish maturity was on the basis of an age. As you well know at this time one does not become of age in this state until one is nineteen years old. Now I have a seventeen year old son who will be entering college just at the beginning of his eighteenth year. I happen to know my son and I know how my son will be doing. As far as I am concerned my son is mature enough to make important decisions about his own health and his own well-being. I don't have a daughter at the same age level so I can't comment about whether my daughter would be sufficiently mature to make that decision on abortion on her own right but I can state as a lawmaker, which is what I am and which is what we all are, that it seems to me that when we get into the kinds of years that Senator Marsh is talking about, that by and large, our young people are sufficiently mature and sufficiently independent to be able to make, if they need to, these kinds of decisions about their health and their body and their well-being, and that we ought not tell these young people that they can't make the decision unless they go to court and get the court to affirm their maturity. Now let me comment just a minute as to what it means for a young person, say a seventeen year old, to have to go to court to get a court to say that that person is mature enough to make a decision with respect to an abortion. That young person has got to find an attorney. The attorney has got to prepare a petition. Under our existing law, under our existing law, a minor cannot file a lawsuit in court in his or her own right. That lawsuit must be filed by somebody of age as next friend for the minor. So that means that this seventeen or eighteen year old person has got to find an adult, that is somebody who is of age, who