

Comments on H.663 by Sharon Toborg
Policy Analyst, Vermont Right to Life Committee
June 3, 2020

In 2001, the Vermont House of Representatives passed H.218, a Parental Notification for Abortion bill, with bipartisan support. The *Vermont Law Review* (a journal published by Vermont Law School students) subsequently published an article discussing parental rights and responsibilities, and the need for the law. The article noted that the Vermont Supreme court has stated:

Parental rights and responsibilities are defined as those “rights and responsibilities related to a child’s physical living arrangements, parent child contact, education, medical and dental care, religion, travel, and any other matter involving a child’s welfare and upbringing.”

Yet parents’ rights continue to be denied by those who provide abortions and contraceptives to children without parental knowledge. Currently, in my local school district, the Barre Unified Union School District, condoms are available to students in grades 7 – 12, but parents can opt their children out. H.663 would deny parents this right. Our Legislature and our schools should respect parents’ rights, not eliminate them.

The same Law Review article noted that then-Vermont law criminalized sex with a child under 16. Current Vermont law on sexual assault includes:

- (c) No person shall engage in a sexual act with a child who is under the age of 16, except:
 - (1) where the persons are married to each other and the sexual act is consensual; or
 - (2) where the person is less than 19 years old, the child is at least 15 years old, and the sexual act is consensual

H.663 mandates schools provide condoms to all secondary school students – which includes children 12 years old or possibly even younger. How can this be reconciled with Vermont’s sexual assault statute? The materials my local school distributes with the condoms includes an information sheet about sexting, making it very clear that any nude photo of a child under 18 could be considered child pornography, which is always illegal. However, it does not make it clear that sexual activity involving children under 15 is always a violation of Vermont law, and under H.663, there is no requirement that students be informed of this aspect of Vermont’s law. Would schools simply turn a blind eye and ignore it? In doing so, they could open themselves up to lawsuits by parents they fail to inform or victims they fail to protect.

Planned Parenthood of Vermont testified in favor of the bill in the House Human Services Committee. They stated that they make reports of abuse, “using definitions of child abuse and neglect published by the Vermont Department for Children and Families in FSD Policy 50.” These definitions differ from the definition of sexual assault in Vermont’s criminal statutes, and allow abuse to be dismissed and go unreported.

There are questions as to whether Planned Parenthood has met their obligations as a mandatory reporter over the years. In 2000, 12 girls under the age of sixteen obtained abortions from Planned Parenthood in Vermont. Then-Planned Parenthood of Northern New England CEO Nancy Mosher testified before the Vermont House Health and Welfare Committee in 2001 that PPNNE had not notified authorities in each case, nor could she identify *any* instances of reporting of abuse during the year 2000. She also testified that PPNNE's patients were as young as nine years old.

In March 2009, WCAX reported on the case of 31-year old James Spearman, accused of sexual assault on a 15-year old girl. The girl became pregnant and had an abortion, but the provider did not file a report despite the girl's age. As a result, DNA evidence was lost. Nationally, numerous criminal and civil cases have revealed Planned Parenthood's failure to report abuse. What about PPNNE? What steps are they required to take to make sure their clients are not being victimized by sexual predators, caught in human trafficking, or being abused by a partner?

There should be concern when there is evidence that a child is engaged in a sexual relationship - such as when a 12-year old seeks out condoms. **Yet instead of strengthening efforts to identify children who are potentially being abused, H.663 weakens the mandatory reporting laws.**

We need to be concerned. The 2017 Vermont Youth Risk Behavior Survey found that six percent of Vermont high school students have had an experience of forced sexual intercourse, and nearly 7 percent experienced some sort of sexual violence in the past year.

H.663 should be rejected.