



SB390 9

# Joseph K. Leibham

STATE REPRESENTATIVE • 26TH DISTRICT

*City of Sheboygan Wards 1-3, 5, 6, 9, 11-16; Town of Sheboygan; Village of Kohler;  
City of Sheboygan Falls; Town of Sheboygan Falls Ward 4*

October 16, 2001

Ms. Penny Arndt  
W3284 Stardust Lane  
Sheboygan Falls, Wisconsin 53085-2417

Dear Ms. Arndt,

It was a pleasure meeting you and visiting with you and Ellen at St. Nicholas Hospital. I appreciate your willingness and courage to share your daughter's story with Representative Kestell, Senator Baumgart and myself.

I learned a lot from your daughter's experience. I have been working hard during my term in the legislature to strengthen Wisconsin's laws that promote life. Last session I co-authored legislation that would have strengthened Wisconsin's parental consent law. The bill was known as Assembly Bill 312 (AB 312). A summary of the bill is attached for your benefit. The bill would have removed loopholes in the parental consent law and recognized the rights of parents to be involved in the irreversible, life altering decision of whether their child should obtain an abortion. The bill did pass the Assembly but was not taken up by the State Senate and therefore the positive changes did not become law.

I will continue to work to pass legislation that will protect and promote the life of our precious children. Your daughter's story should be helpful. Again, thank you having the courage to share her experiences with us. Please contact me if you have any questions or concerns.

Thanks for your support of life. All my best to you and your family.

It is an honor representing you and our community in the State Assembly!

Sincerely,

Joseph K. Leibham  
*State Representative  
26<sup>th</sup> Assembly District*

*enclosure*

*cc Ellen Drewry*

**\* \* Please note Rep. Leibham's new Sheboygan address: 3618 River Ridge Drive \* Sheboygan, WI 53083 \* \***

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Hi I am Penny,

I Am a mother of 3 - children,  
one son is a 21 year old in the  
U.S. Marine Corp. a second son a  
Sr in High School And a 16 year  
old daughter. The reason I am  
here today is because of what's  
called the "judicial bypass" which until  
recently I had never heard about.  
I am here today to enlighten you  
on my opinion how the system failed  
my 16 year old daughter. The system  
guided her on how to deceive her  
mother. First providing her with a  
pregnancy test at planned parenthood and  
at that time providing her with  
information on how to get an abortion  
without her parents' knowledge. I  
found colored papers from planned parenthood  
hidden under her mattress one day while  
I was looking for her TV's remote  
control, (who told her how to hide  
these papers?) This is not a 16 year old  
who on their own would know to hide  
something under their mattress. Was she  
instructed to hide the pamphlets from her  
mother?

My daughter then got information leading  
to a lawyer who would assist her  
in getting a judicial bypass. Again, deceive  
her mother & without her mother's knowledge.

I found a lawyers business card on her desk. My 16yr old daughter told me it was in case she got in any more trouble with her car driving tickets. Who told her to make up this lie. Came to find out that after I made a call to the number on the business card to inquire on my daughter leaving a message on voice mail the lawyer called back my daughter and told her not to worry. She was "Jane Doe" and her mother could not find out the reason the system failed. My daughter is as far as I know there were no background checks into my 16yr old daughters relationship to her guardian parent that would show the need to go above the parent and get an abortion. This case was a 16 year old girl who even checking school attendance or driving record would have shown irresponsibility and behavior problems. Why does the 16 year old get to decide we are unfit as parents to help in this major decision. As far as we know the judge made his decision from only the testimony of this 16 year old minor child without getting any testimony for or against the guardian parent who ultimately are responsible for all the decisions the 16yr old makes. We were not given a chance to defend our selves against the accusation of my 16 year old daughter.

After all this my 16yr old daughter failed to act in a timely fashion on the judicial bypass. The system failed. There is no follow up after.

Judicial bypass given. In this  
case I am left to pick  
up the pieces. I am left to  
pay All the bills. I am left to  
mend my relationship with my  
16 y old I am left to deal with  
all the lies & deceptions.  
The system's responsibility for  
my present 16 y old is "Nothing!!"  
My responsibility is everything  
if fact Planned P & the judge &  
Karyx has led my 16 y o daughter  
They all made money off  
my 16 y o daughter's quest to resolve  
her pregnancy and they failed.  
I am left to solve the  
pregnancy. The big problem is  
this has All taken time & the  
baby will not wait until we  
are ready.  
I am now left to deal w a  
16 y o girl who refers to her pregnancy  
as "the dead" and her newborn  
baby to be as the bastard child where  
do these words come from & feelings  
who has put these thoughts into her  
head.

The parents of these pregnant girls in  
reality pay for this flawed system NO  
check & balances & no follow-ups  
as to date NO one not the judge  
not the lawyer not Planned Parenthood  
to our knowledge has contacted...





WISCONSIN LEGISLATIVE COUNCIL  
STAFF MEMORANDUM

TO: SENATOR JAMES BAUMGART  
FROM: Anne Sappenfield, Senior Staff Attorney  
RE: LRB-4006/1, Relating to Judicial Waiver of Parental Consent for Abortion  
DATE: January 9, 2002

This memorandum, prepared at your request, describes LRB-4006/1, relating to evidence that a court must hear at a hearing on a petition for a waiver of the requirement that a minor's parent consent before the minor may have an abortion.

**CURRENT LAW**

Under current law, an unemancipated minor generally may not have an abortion except with the written consent of her parent, guardian or legal custodian or the consent of an adult relative. Alternatively, she may petition the juvenile court to waive the requirement for consent.

If a minor petitions the juvenile court for a waiver of the parental consent requirement, the court must hold a confidential hearing on the petition. At the hearing, the court must hear evidence relating to all of the following:

1. The emotional development, maturity, intellect and understanding of the minor.
2. The understanding of the minor about the nature of, possible consequences of and alternatives to the intended abortion procedure.
3. Any other evidence that the court may find useful in making the determination as to whether to grant the waiver.

The court must grant the minor's petition if the court finds that either of the following standards applies:

1. That the minor is mature and well informed enough to make the abortion decision on her own.

2. That the performance or inducement of the abortion is in the minor's best interests.

**LRB-4006/1**

LRB-4006/1 creates an additional factor on which the court must hear evidence in a hearing on a petition for a waiver to the parental consent requirement. Under the bill draft, the court must also hear evidence on the nature of the relationship between the minor and her parents.

This requirement would first apply to a petition filed on the effective date of the act.

If you have any questions or would like further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

AS:rv;tlu



**Joseph K. Leibham**

STATE REPRESENTATIVE • 26TH DISTRICT

**FOR IMMEDIATE RELEASE**

For Information, Contact:  
State Representative Joseph K. Leibham (888) 529-0026

January 18, 2002

**LEIBHAM AIMS TO TIGHTEN PARENTAL CONSENT FOR  
ABORTION LAW**

*Proposal Closes Loopholes to Preserve Parental Involvement*

**Madison...** The right of parents to be involved in their minor daughter's decision on whether or not to have an abortion should be clear and current law should be strengthened to encourage such involvement, according to State Representative Joe Leibham (R-Sheboygan). Leibham has drafted a bill to close major loopholes in the state's current Parental Consent Law, which requires a minor to get written consent of one of her parents prior to receiving an abortion. Leibham said he was recently contacted by a Sheboygan area mother who learned that her minor daughter was counseled and encouraged to seek an abortion and on how to skirt the state's parental consent law.

The original parental consent law, passed in 1992, was intended to require parents to approve of a minor daughter's abortion, but it created several ways for an underage girl to avoid getting written consent from either parent. Leibham said his bill would strengthen the law and close the current loopholes so that parents are truly aware and involved in their minor daughter's decision to seek an abortion- an irreversible, life ending medical procedure. "The state should be encouraging parental awareness and involvement in this type of decision," Leibham said. "Parents should be informed on the condition of their children, for they have a responsibility to work through difficult situations with them. The decision to terminate a pregnancy should not be made easy; this is a life and death decision."

Leibham, who opposes abortion, said his bill closes four major loopholes in the parental consent measure that became law in 1992:

- Adult family members including a grandparent, aunt, uncle, sister or brother who is at least 25-years old will no longer be able to consent to the minor's abortion. Consent must be granted by one of the parents.
- Clergy members will no longer be allowed to petition a judge for bypass of the parental consent instead of the minor herself.
- Notarization of the parental consent will be required.
- The suicide exception will be deleted – which currently allows a psychiatrist or psychologist to state in writing that he or she believes that the minor is likely to commit suicide rather than seek consent or a judicial waiver for an abortion.

(more)

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“Regardless of one’s opinions about abortion, it’s alarming that in the State of Wisconsin, parents can be shut out of their pregnant daughters predicament all together,” Leibham said. “I want to make sure parents are involved in these decisions and give them the opportunity to help and support their children, hopefully encouraging life.”

Leibham said he planned to circulate the legislation for co-sponsors next week, and was hopeful the State Legislature would address the bill sometime during the spring floor period.

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