



## Ohio Governor Kasich Signs New Pro-Life Law

Late last week Governor John Kasich (R-OH) signed HB 63 into law, imposing strict requirements on minors seeking abortions without the consent of their parents.

The news [release](#) issued by the Governor's office reports:



*"Today Gov. John R. Kasich signed Amended House Bill 63 (Young/Slaby), which revises the procedures governing a hearing at which a court may permit a pregnant minor to have an abortion. The bill also requires that in order for a court to grant its consent to the minor, it must make its findings by clear and convincing evidence."*

The new law raises the consent threshold established by the previous statute. The old law mandated that a minor wishing to avoid obtaining parental permission receive judicial consent before being allowed to abort her unborn child.

Since the enactment of the new law, judges in the Buckeye State may approve abortions without parental notification in cases only where "clear and convincing evidence" presented at a hearing proves that the abortion is in what is described as "the best interest" of the girl seeking it. The applicable provision of the law also requires that the hearing on the matter be held within five days of the girl's request for the judicial waiver of the consent clause.

Regarding the necessary procedures to be followed at those hearings, the recently enacted measure dictates:

At the hearing, the court shall do all of the following: Hear evidence relating to the emotional development, maturity, intellect, and understanding of the minor; the nature, possible consequences, and alternatives to the abortion; and any other evidence that the court may find useful in determining whether the minor should be granted the right to consent to the abortion or whether the abortion is in the best interests of the minor; Specifically inquire about the minor's understanding of the possible physical and emotional complications of abortion and how the minor would respond if the minor experienced those complications after the abortion; Specifically inquire about the extent to which anyone has instructed the minor on how to answer questions and on what testimony to give at the hearing.

Furthermore, the petitioning minor must meet with a judge presiding over a court in her home county or a neighboring county. This prevents the girl from obtaining judicial approval from a judge sitting in a possibly remote county where the procedure will be performed. Some pro-life advocates pushed for this provision out of a fear that judges in counties that were home to medical centers were essentially "rubber stamping" parental consent waiver requests.

One such group, Ohio Right to Life, [rejoiced](#) at Kasich's signing of the bill.



Written by [Joe Wolverton, II, J.D.](#) on November 9, 2011

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“Ohio is witnessing the blessings of having the most pro-life governor and General Assembly in our state’s history working together to save lives,” said Ohio Right to Life executive director, Mike Gonidakis.

Under the latest bill, the judge must determine whether the minor is mature and informed enough to “decide intelligently” to have an abortion, and whether abortion is in her “best interest” by clear and convincing evidence.

Since Kasich took office in January, the Republican-controlled Ohio legislature has passed bills that prohibit facilities that get public money from performing elective abortions, prohibit some local governments from purchasing health insurance that covers abortions, and ban abortions after 20 weeks if the fetus is deemed viable.

This summer, Governor Kasich signed into law a bill banning abortions after 20 weeks, the third of the anti-abortion bills sent to his desk by the state legislature. That particular law requires doctors not only to determine the viability of the fetus, but to obtain the opinion of another physician on the issue. In the two doctors agree that the fetus can exist outside of the womb, an abortion is permitted only in a case of “death or a substantial and irreversible impairment of a major bodily function” of the mother.

Proof of the pro-life position popular among other elected officials in Ohio is found in the fact that in June, the state House of Representatives passed a measure by a 54-43 vote that would outlaw abortions in cases where a heartbeat was detected in the unborn child.

In another judicial setback for abortion proponents, a judge for the U.S. District Court for the Southern District of Ohio in May of this year upheld an Ohio law that limits the use of the “abortion pill,” vacating a 2006 enjoining of the prohibition of the drug. The law requires that the use of the pill, RU-486, conform with federal guidelines, which currently do not allow the pill to be used after seven weeks of pregnancy.

Predictably, not all Ohioans are pleased with the Governor’s position on the issue of elective abortion.

“This bill ignores the fact that there are circumstances, such as a violent home, where telling her parents is not a safe option for some minor women. The governor should be promoting policies to combat teen pregnancy, not passing legislation that endangers young women’s health and safety,” said Kellie Copeland, executive director of NARAL Pro-Choice Ohio.

Ohio is just one of many states to have sought tighter restrictions on the right to terminate pregnancies. The Iowa House of Representatives passed a measure in June banning elective abortions after week 18 of the pregnancy. Such a law would be the most restrictive anti-abortion law in the United States.

Foes of the progress of the pro-life movement are bringing the battle to courtrooms across the land, however.

Last month, Planned Parenthood and the American Civil Liberties Union (ACLU) filed a lawsuit challenging a South Dakota law that requires women to seek pre-abortion counseling at a pregnancy center and imposes a three-day waiting period before the abortion may be legally performed.

Earlier that week, Minnesota Governor Mark Dayton refused to sign to bills passed by that state’s legislature eliminating public funding of abortions and banning the procedure outright for any pregnancy beyond 20 weeks.

In May, GOP presidential hopeful and current Texas Governor Rick Perry signed a law mandating that women seeking an abortion get a sonogram.



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Currently, lawmakers in several states have acted to ban abortions after 20 weeks. This includes the states of Missouri, Indiana, Alabama, Oklahoma, Kansas, and Idaho.



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