



M O N T A N A
COALITION AGAINST
DOMESTIC AND SEXUAL
V I O L E N C E

To: House Judiciary Committee
From: Kelsen Young, Executive Director
Montana Coalition Against Domestic and Sexual Violence
Date: January 23, 2007
Re: HB 321

EXHIBIT 5
DATE 1/23/07
HB 321

The Montana Coalition Against Domestic and Sexual Violence rises in opposition to HB 321. We represent programs from across the state of Montana who provide direct services to victims of sexual and domestic violence in your communities. We oppose this legislation for several reasons, and would reiterate previous opponent testimony regarding the constitutionality question. We would like to specifically focus on the impact that this legislation will have on minors who are unable, for a variety of reasons, to involve their parents or guardians in decisions regarding their reproductive choices.

As you have heard from prior testimony, most young women who are obtaining reproductive services do involve a parent or guardian. The small percentage that don't, often have a very good reason for not doing so. For those who do not involve their parents, many come from families where telling the parent would only worsen an already dysfunctional or abusive family situation. One study showed that 22% of teens who did not tell a parent about their abortion decision feared that, if they told their parents, they would be kicked out of the house. More than 8% feared that they would be physically abused because their parents had beaten them before. Of those who did not tell a parent, 12% did not live with either parent and 14% had parents who abused drugs or alcohol. (Henshaw & Kost.)

Family violence, including domestic violence and sexual violence within a family, is a serious problem in Montana. You have probably heard much about domestic violence in various hearings before this committee. What often is not addressed as much is the real issue of sexual violence in our communities.

In general, survivors of sexual violence experience great difficulty in disclosing or reporting sexual assault (especially when the perpetrator is known to the victim). In rural communities in Montana, the high level of familiarity among residents means that the sexual assaults that occur are likely to be perpetrated by an acquaintance and the victim is unlikely to report the crime to police (perhaps not to anyone). This would be even truer if the assault was perpetrated by a family member. Lack of anonymity and confidentiality are highly present in rural communities – everyone knows each other and knows each other's business. Rural communities are also faced with a significant lack of resources – a lack of services for sexual violence survivors and even a lack of access to the nearest local court system. In addition to not reporting sexual assault, these same issues would be present in a situation where a young woman did not want to report abuse from her parent or guardian to the system (which is required in this statute). All these initiatives will do is discourage reporting and victims accessing services.

Sexual violence, at times, unfortunately leads to pregnancy. In one study, it was estimated that the 333,000 sexual assaults and rapes reported in 1998 (along with many more unreported) were responsible for 25,000 pregnancies. Another study found that 2% of all women experience sexual assault in a lifetime and 4.7% of those assaults result in pregnancy.

If the parental notification bill were to be proven constitutional and the changes made in this legislation were to go into effect, it would have dire consequences for young women and their ability to obtain necessary medical services and make reproductive choices. Unfortunately, not everyone comes from a happy home and the Legislature should not enact legislation that unduly burdens young women who have already suffered enough – who have been disadvantaged and disenfranchised. I respectfully request that you reject this bill and not pass it out of committee.

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