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Q: Do parents always have a right to know when their teen is seeking birth control?

Posted Oct. 23, 2002
By Rep. Kevin Brady

YES: Tear down the federally mandated wall of secrecy between parents and young children.

It is every parent's nightmare: Unbeknownst to you, your 12-year-old daughter secretly and repeatedly is being raped by her teacher. The teacher takes your child to a federally funded birth-control clinic to be injected with highly controversial contraceptives. His goal: to continue to assault her without fear of pregnancy.

Horrifying? It gets worse. Because the clinic is federally funded, its employees are not required to alert you. In fact, they can't. The federal government prohibits the clinic from telling parents their child is receiving prescription contraceptive drugs and devices. In this case, the clinic regularly is injecting your young daughter with Depo Provera, a powerful prescription contraceptive that increases the chances of developing breast cancer, blood clots and even strokes in young users.

The hormone is so powerful it has been used in some states to castrate convicted rapists. This time, however, the drug is not used on a rapist but by a rapist. The result: The teacher successfully hides the fact that he is preying on your daughter. The sexual assaults continue for the next year-and-a-half. Numerous shots are administered to your young daughter, who silently relents to an ever-increasing risk of dangerous side effects and emotional trauma.

Through it all, you know nothing. At her age the child is too scared to tell you. Believe it or not, the law of the land prevents you, the parent, from being told.

It sounds so disturbing it can't be true, can it? Sadly, it is. Real parents lived this nightmare in Illinois in 1997. And unbeknownst to most parents, this scene may be occurring all across America.

One of America's more disturbing secrets is that Washington has

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erected an impenetrable federal wall between parents and their minor children who receive prescription contraceptive drugs and devices from federally funded clinics. It doesn't matter if your child is 9 years old or 16. It doesn't matter if she is receiving a surgically implanted intrauterine device (IUD) or Norplant at age 13.

Unbelievably, from the federal-government's standpoint you, the parent, must be kept in the dark. At a time in their young life when children need your help and guidance the most, Washington regulations block you from having a say in their health-care decisions.

The federal government doesn't believe you have earned the right to be informed. How can this happen? Well, some federal bureaucrat decided in the early 1970s that kids should be counted as "poor" as far as federal family-planning programs are concerned. Thus, by federal regulation, not law, clinics are required to keep it a secret when a teen-ager seeks contraceptive services.

Girls as young as 9 can and must be served by clinics distributing federally funded contraception. And, as we saw in Texas, if a state or a local community objects, too bad. Federal regulations trump state laws and parents have no say in the health decisions of their daughters even when those decisions can lead to increased risk of cancer, blood clots and strokes. That is outrageous.

Washington uses a heavy hand to enforce this wall of secrecy, quickly yanking funding from clinics that don't toe the line and threatening states that challenge their ironclad rules.

Ironically, states strive hard to protect young children from alcohol and drugs, from purchasing tobacco, getting a tattoo or driving a car at an early age. Schools require parental consent for field trips and suspend students who merely bring aspirin to school. Yet when the same states fight to ensure parents give their consent or at least be notified before their young daughter is injected with prescription contraceptives, Washington overrules them.

Some states have rebelled. In 1997, the Texas Legislature passed a bill withholding state funds for family-planning programs unless parents were notified of any prescription drugs or devices administered to their minor children. As expected, Planned Parenthood sued, and a judge ruled in its favor. The court held the state of Texas could not limit the use of funds in this manner because the provision was in violation of four federal programs: Titles 10 (Family Planing), 19 (Medicaid), 20 (Social Services Block Grant) and Temporary Assistance to Needy Families. Later, the Texas Supreme Court wisely overturned the ruling — but only because of a technicality that Planned Parenthood had no standing to sue.

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The federal government wasted no time cracking down on the state, either. Under President Bill Clinton's health and human-services secretary, Donna Shalala, the federal government threatened to withhold \$93 million in federal funds if Texas didn't back off its parental-rights position.

As intended, Washington's heavy hand has had a chilling effect on other state legislatures considering similar commonsense efforts to protect minor children and ensure parental involvement in major medical decisions.

The federal government is wrong. Parents matter. For our children's sake, the rights of parents desperately need to be restored so they can be involved in these crucial medical decisions. Given the sacrifices that parents make for their children, the years instilling lifelong values and lessons and skills, the long nights nursing a sick or scared child, the daily trials and tribulations every parent faces as we work hard to give our children every opportunity to achieve their future dreams — parents have earned the right to be involved.

Parents will be expected to pick up the pieces when their daughter contracts a sexually transmitted disease not prevented by many types of contraception and when she suffers the physical, let alone emotional, consequences of premarital sex. Yet the system is designed in such a way as to prevent parents from knowing what the government is doing to their children. Some will claim that there are teen-agers who can't talk to their parents, that not everyone has an "Ozzie-and-Harriet" type family. Perhaps. But it is a poor way to set public policy — keeping secrets from all parents because of troubles with a few.

States rights matter, too, as local legislators battle to protect their families from Washington decisions that weaken rather than strengthen families. Since Republicans took control of Congress, the U.S. House of Representatives has worked repeatedly to change these federal regulations. Unfortunately, the Senate has rejected each measure the House has sent its way, and President Clinton even threatened to veto the nation's health-care funding if the House-passed parental-notice provisions were not dropped.

To correct this problem, I again have introduced the State's and Parental Rights Improvement Act (HR 4783). This legislation says to the states that if you want to place thoughtful, commonsense safeguards on the distribution of prescription drugs to minors, the federal government can't interfere. It does not require parental notification before minors get prescription drugs, but merely allows it if a state enacts such safeguards. Passage of this legislation is needed to restore parental rights regarding their children's medical decisions and to return power to the states.

The beauty of my bill is that it allows states to decide for themselves how to set public policy in regard to parental involvement and prescription contraception drugs or devices.

Contrary to some people's claims, my bill does not mandate parental consent or parental notification on teen contraception. On the contrary, it simply says to states such as Texas that the federal government will not require parents be kept in the dark for their teens' health care.

Nor will the federal government tell a state how it should handle teen-parent policy on contraceptive drugs or devices. My bill will allow a state to decide for itself, and allow that decision to be binding on the drugs and devices distributed to the state's teens.

If California wants to keep parents in the dark, it may. If Vermont wants minor girls to get injections of Depo Provera or surgically implanted Norplant, it may. I would hope that parents all across the nation would rally to get their state's legislature to restore their parental rights, but nothing in the bill requires this.

What this legislation ensures is the federal government will not be in a position to keep secrets from parents, especially in an area as important as their minor daughter's health. If the Texas Legislature wants to set a policy that parents must be notified before minor girls can receive contraceptive drugs and devices from Texas clinics and schools, it should be allowed. And under my bill, the federal regulatory mandate of secrecy is lifted.

Is the bill a panacea for parental rights? No. Is it a great first step toward restoring parental and state rights and long overdue? I believe it is.

If you asked the parents of that 12-year old girl, I think they'd tell you they agree with me — that Congress cannot act a moment too soon. It shouldn't take another federally funded nightmare.

Rep. Kevin Brady (R-Texas) is in his third term and serves on the House Ways and Means Committee. Prior to being elected to Congress, he served in the Texas House of Representatives.

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