



Judges in the Classroom

Birth Control by Law? – Legislative Hearing

Source:

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Objectives:

1. Students will express their opinions about the use of mandatory birth control for pregnant substance users.
2. Students will explain and justify their opinions.

Grade Level:

Grades 9-12

Time:

One class period (approximately 50 minutes)

Materials:

Seven copies each of Handouts 1-5

Procedures:

1. **Begin the class by introducing yourself** to the students and telling a little bit about what you do, if this is your first class.
2. **Tell students** they will be playing the roles of legislators, concerned citizens, and experts in a mock legislative hearing about a proposed solution to the problem of children born to women using addictive drugs during their pregnancies.

Note: The classroom teacher should prepare students for this lesson by explaining the legislative process in Washington and the purpose of a legislative hearing.

Provide some background information on abuse of drugs by pregnant women and the consequences to newborn babies. Show the webpage of the children at the Kent (WA) Pediatric Facility that helps babies addicted to drugs.
www.picc.net/our%20babies.htm.

Have students take turns reading aloud the story of the babies.

Identify that today there is an explosive number of babies born addicted to prescription pain medicines (OxyContin and Vicodin) taken by their mothers. In addition, it has become common to find infants having numerous drugs in their system, unlike in the past when there was just one drug.

It is estimated that more than 12,000 babies are exposed each year in Washington State to illegal drugs. Of that number, 800 to 1,000 are drug- or alcohol-affected.

Explain current practice. In Washington, intake must be done on pregnant women when there is a report that they are using an illegal drug during the pregnancy. Those doing the intake must document information on a variety of issues relating to risk and protective factors, such as the history of drug use and the existence of support for the women. In addition, if the woman is parenting a child while pregnant, a Child Protective Services intake will be conducted.

During the pregnancy, the government only takes in information about the drug-using pregnant woman. Once the child is born, and if it the child is affected by controlled substances, the government will investigate and may set up a safe plan for the child. The plan will include, but is not limited to:

- a. Medical care for the newborn.
- b. Safe housing.
- c. A plan of child care if the parent(s) is/are employed or in school.
- d. A list of phone numbers and contacts for the parent(s) to call, including:
 - i. Emergency care for the newborn.
 - ii. Help with parenting issues.
 - iii. Help during a crisis.
- e. A referral for the parent to necessary services.
- f. A referral to other resources that may be of support.

Proposed Law: Explain that this law is not a real bill or law, but will be used to promote discussion of the approach to illegal drug use and child birth.

“All women of child-bearing age convicted of drug abuse shall have the option of receiving a long-term birth control device or be sterilized rather than serving time in jail.”

Tell students that you will need approximately six to seven legislators on the committee

that is considering this law, and the rest of the class will be divided into citizens testifying in favor and against the proposed law.

3. **Explain to students** that long-term birth control devices are available. These include patches, rings, and implants. Once the device is removed, the woman becomes able to have children again. Sterilization is a non-reversible procedure to render a person permanently unable to have children. This is done generally done by tubal ligation, or tying the Fallopian tubes.
4. **Ask for volunteers** or select six-seven students to be legislators. Divide the rest of the class into four groups – two groups of citizens in favor of the proposed law and two against. Pass out Handout 1, a copy of the proposed law, to the legislators. Also give Handout 2 to one of the citizen groups in favor of the law and Handout 3 to the other group in favor. Give Handouts 4 and 5 to the two groups opposed to the law. (Each citizen group has a different individualized role.)
5. **Tell students** that they have 15 minutes to prepare for the hearing. Their instructions are on the Handouts, but review them briefly before the students break into groups. (See handouts.)
6. **Arrange the room with a table in the front** for the legislators and chairs for those who will be testifying. Remind students that each speaker will have two minutes to speak.
7. **Turn the hearing over to the chairperson** of the committee, who should call the hearing to order and ask for testimony from the citizens.
8. **After all testimony, ask the committee to debate** the bill in front of the rest of the class and to vote on the bill. They may also make amendments. Advise students that they will have 10 minutes to debate and amend the bill.
9. Time permitting, **tell students** several state legislatures have proposed laws, nine of them requiring or inducing mothers on welfare or who abused drugs to be required to use birth control. Judges in several states have ordered women to be use birth control as a condition of probation. In one Florida case, a woman who pleaded guilty to child abuse agreed to have a long-term birth control device and counseling instead of going to jail. In an Illinois case, a mildly retarded woman, who also pleaded guilty to child abuse, was ordered to have a long-term birth control device implanted and to obtain a court order before having it removed.

The judge denied an objection by the American Civil Liberties Union, saying, "How many children should a parent be allowed to abuse before the state has the right to say, 'You can't have any more children until you can show you are not likely to abuse another child'? And how many children of a parent should the taxpayers of this state have to support in foster homes or alternate care before the state has the right to say, 'You can't have any more children until you take care of the ones you already have.'" (Los Angeles Times, 1993.) In one case in Georgia, shook her five-week old baby, killing her. The mother was charged with murder. The judge gave her the choice of pleading to voluntary manslaughter and receiving 5 years probation plus having her tubal ligation (2006).

Handout 1

Instructions for Legislators

First, select a chairperson. The chairperson is responsible for seeing that each committee member's views are heard during committee meetings, for chairing the hearing, for calling witnesses to testify, and for announcing the committee's decision. During the hearing, the chairperson should make sure that speakers do not take more than their allotted time and keep order.

Committee members should review the proposed law below and prepare questions for the witnesses whose names are listed below. Each legislator should have at least one question prepared to ask one witness.

Each witness will have up to two minutes to speak, plus time for questions.

All women of child-bearing age convicted of drug abuse shall have the option of receiving a long-term birth control device inserted or be sterilized rather than serving time in jail.

Witnesses:

In favor of the proposed law:

L. Patrick, Administrator, Medical Care Center for Newborns
A. Whitehead, Social Worker

Against the proposed law:

D. Hendricks, Civil Rights Advocate
T. Rickson, Women's Rights Advocate

1. As a legislator, how would you vote on this law? Be ready to explain your answer.
2. What other arguments can you think of either for or against this proposed law?
3. Can you think of other possible solutions to this problem? Should you amend the law?

Handout 2

Citizens in Favor of the Law

Select one or two spokespersons. You may create an additional role if you wish. Work together to prepare a two-minute argument that best expresses the views of L. Patrick and any additional arguments you can think of to support why this law should be passed.

All women of child-bearing age convicted of drug abuse shall have the option of receiving a long-term birth control device inserted or be sterilized rather than serving time in jail.

L. Patrick, Administrator of the Medical Care Center for Newborns:

"I am getting impatient with these abusive parents. Many of the drug babies in our center are so hypersensitive they cry or even vomit if you try to pick them up. The ones that appear normal will have problems later in school. Right now we have one child whose mother has had ten drug-affected children. Her most recent baby has had heart surgery, eye problems, and has been hooked up to oxygen for his entire first year of life ... if you can call it life. The only way to prevent that woman and hundreds of others from having more children is to require them to accept a long-term birth control device or be sterilized. These women are not mentally competent to make their own decisions about birth control. I don't think they should have to pay for the birth control or sterilization, and if they stay clean for a certain amount of time, I think it should be removed the device if the woman wants. Let's stop worrying about the rights of the mother and worry about the rights of the child!"

1. What other arguments can you think of either for or against this proposed law?

2. Can you think of other possible solutions to this problem?

Handout 4

Citizens Against the Law

Select one or two spokespersons. You may create an additional role if you wish. Work together to prepare a two-minute argument that best expresses the views of D. Hendricks and any additional arguments you can think of to support why this law should be passed.

All women of child-bearing age convicted of drug abuse shall have the option of receiving a long-term birth control device inserted or be sterilized rather than serving time in jail.

D. Hendricks, Civil Rights Advocate:

"The problem here is child abuse, not childbearing. Making it impossible for drug-addicted women to have more children is like forbidding a convicted wife beater from remarrying. Requiring women to use any type of contraceptive device or to be sterilized is a violation of a woman's constitutional right of privacy. Women have the right to make their own choices about reproduction, even if we don't happen to agree with them. If drug-addicted women are the targets of laws like this today, who will be next? Teenagers? Women on welfare? Where will it stop? These women need treatment, not forced birth control or sterilization. More understanding for the circumstances that led these women to use drugs and more money for drug treatment centers for them is the answer to this critical problem, not 'birth control by law.' This is the United States, not Hitler's Germany!"

1. What other arguments can you think of either for or against this proposed law?

2. Can you think of other possible solutions to this problem?

