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School districts accomplices to sex abuse?

Pro-life group advises administrators about reporting teen girls' activity

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By Jon Dougherty

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A pro-life organization that has accused Planned Parenthood and other abortion providers of hiding child abuse says school districts that refer girls to such services also may be culpable.

"Our review of applicable state laws indicates that by allowing family-planning services providers into the school district to give presentations, conduct sex education classes, leave materials or accept referrals from district agents, servants, employees or contractors, liability may be attenuated to the district for the conduct of the provider," says a legal brief provided to every school district in the country by attorneys for Life Dynamics, Inc.

In May, the Denton, Texas-based research organization announced the results of a study showing the number of underage girls being "sexually exploited" by adult men has reached "epidemic" proportions in the U.S. The study also claimed that Planned Parenthood was knowingly concealing such sex-abuse crimes – claims Planned Parenthood officials have since denied.

Since then, Life Dynamics has sent its brief, signed by its general counsel, Ed Zielinski, to every school district in the nation. The brief warns districts that participation in programs meant to steer teen-age girls impregnated by adult men to clinics that provide abortion without reporting the age of the girl's partner to proper authorities may have criminal implications.

Using Freedom of Information Act requests, Zielinski said the group "found . . . a significant number of school districts may . . . be either deliberately or unwittingly operating" in violation of state laws requiring them and abortion clinics to report to authorities any male partner who impregnates an underage girl.

Officials at Life Dynamics said the response to the campaign thus far has been overwhelming. "We're slammed," said one spokeswoman.

Mark Crutcher, the group's founder and president, said responses "were running about 50-50 favorable to unfavorable."

"It's been mixed, but a lot of [administrators] recognize the potential litigation target that they make," he said. "So they're very nervous, and that creates some hostility."

district is located.

Battle lines drawn

But Planned Parenthood and other family-planning groups oppose notification laws – especially parental notification statutes. Such groups claim teen-age girls will continue to have sex, but that notification laws mean they would no longer seek reproductive health services.

Quoting from an in-house survey of Wisconsin teenage girls – "Effects of Mandatory Parental Notification on Adolescent Girls' Use of Sexual Health Care Services," which was published Aug. 14 and posted on Planned Parenthood's website – "it is obvious . . . that proposed parental-notification laws for contraceptive and safer sex services can only lead to increased numbers of unintended pregnancies and sexually transmitted infections among teen-age women."

The survey was published by the Journal of the American Medical Association.

"That's why public health experts, including those at Planned Parenthood, have long opposed interfering with young people's access to these important and intimate services," said the group. "Professionals, lawmakers and caregivers who care about young people will not put their health and well-being at risk with misguided parental-notification laws."

The survey asked 950 girls "younger than 18 who are using birth control and safer sex methods . . . what they would do if their states passed parental notification laws requiring health centers to involve their parents in these sexual health decisions," said Planned Parenthood.

According to the results, none of the girls said they'd stop having sex, while almost 50 percent would stop seeking sexual and reproductive health care. Another 30 percent said they'd have "unprotected vaginal intercourse," and the 1 percent "who said they would give up vaginal intercourse said they'd rely on oral sex instead, which would prevent pregnancy but not infection."

In addition to conducting the survey, Planned Parenthood is also involved in a push to end federal funding of abstinence-only programs.

In partnership with the Sexuality Information and Education Council, both groups oppose President Bush's request for \$100 million in funding for the program because it seeks to foist a "conservative" agenda on the nation's schoolchildren.

Called the "No New Money" campaign, SIECUS's Tamara Kreinin says to continue funding such programs is a "(promotion) of a conservative ideological agenda at the expense of sound public-health policy, the health and well-being of our nation's youth, and the will of the American people."

Offering solutions

Regardless of the social position taken by Planned Parenthood and others regarding requirements to report underage sexual activity, legal experts say the groups are still required by law to do so.

"Every state defines sex with a child below the age of consent as a crime and requires health-care workers to report suspected child abuse to authorities," wrote Thomas L. Jipping, a senior fellow in Legal Studies at Concerned Women for America, the nation's largest public policy women's organization, in a June 14 column for WorldNetDaily.

Nevertheless, Life Dynamics insists that its effort is about more than just corralling lawbreakers. Indeed, Zielinski's legal brief contains more than just warnings of future litigation – it also lists a set of guidelines school districts can adopt to protect themselves from culpability lawsuits.

Schools should "establish a protocol to ensure that the district is complying with state laws regarding the reporting of suspected sexual activity by underage children," said the brief, noting that girls seeking "birth control information or paraphernalia," treatment of a sexually transmitted disease, "a pregnancy test, an abortion" or an abortion referral "is evidence of sexual activity."

Also, the brief advises a school district to "review with its attorneys the practices and written policies of any organization with which it is affiliated to ensure that they comply with state laws regarding the reporting of suspected sexual activity by underage children.

"This includes any organization which the school district allows to provide students with information and/or materials regarding sex education in which future contact with said organization is suggested or could be a reasonable possibility," the brief continued.

Also, Zielinski advised schools to:

- "verify that [associated organizations] will – and [have] the ability to – insure or indemnify the district in the event of a claim for damages" that may arise from a referral;
- "monitor the practices" of officials "associated with school-based clinics or other district-wide programs to verify their compliance with these state mandated reporting requirements";
- "review . . . the joint liability of school districts for damages inflicted upon girls, and the families of girls, who have been referred to agencies which provide family planning services. . ."

Zielinski said if any injury or death is caused to a girl by a family-planning clinic after being referred by the school, "she, her parents, or both may charge the district with negligently referring the girl to that provider."

Zielinski also warned that schools have a responsibility to keep their young charges safe.

"By virtue of your district's responsibility to the students and parents you serve," he wrote, "a legal duty is created to protect them from harm. If your district through its relationship with a family-planning services provider, or its operation of a school-based clinic fails in this responsibility, the district may be held liable for the damages that result."

He also warned that school policies may force district officials "to engage in conduct which subsequently exposes them to either civil or criminal prosecution," which would in turn give that official "cause of action against the district."

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