

Florida judge says teen's grades relevant in right to get abortion

What sort of grade-point average do you need in a Florida high school to be eligible for an abortion?

This is not an idle question. It was the subject of a recent court hearing involving a 17-year-old Hillsborough County girl seeking to end her pregnancy without her parents' consent.

To do that in Florida, minors need something called a "judicial bypass," which in this case would allow the girl, identified as "Jane Doe" in court papers, access to a synthetic hormone pill, which is a no-surgery option for abortions up to the 10th week of pregnancy.

The teen and her lawyer came before Hillsborough County Circuit Court Judge Jared E. Smith, who was first appointed to the bench in 2017 by former Gov. Rick Scott.

The girl testified she was "way too young" to have a baby, and financially not in a position to enter motherhood.

Her own mother was divorced and living out of state, and the girl, who was going to school and working 30 hours per week, said she had two credit cards, \$1,600 in the bank and no driver license because her parents couldn't afford to pay for her insurance.

The unwanted pregnancy would ruin her plans to become financially independent by enlisting in the military after high school, she testified.

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She told the judge that while getting an abortion was against her religious beliefs, she didn't think she could emotionally handle carrying the fetus to term, giving birth and then putting the baby up for adoption.

"I'm not going to have a baby for nine months and then get attached," she said.

The purpose of the court hearing was for the judge to decide whether the teenager is "sufficiently mature to decide whether to terminate her pregnancy."

The standard is that the girl "need only show that she has the necessary emotional development, intellect and understanding to make an informed decision regarding the termination of her pregnancy."

Judge Smith zeroed in on her high school grades. The girl testified that she has a 2.0 GPA "right now," but was making "Bs" in her classes.

"While she claimed that her grades were 'Bs' during her testimony, her GPA is currently 2.0," the judge wrote. "Clearly, a 'B' average would not equate to a 2.0 GPA."

The judge went on to say that the girl's testimony about her grades "evinces either a lack of intelligence or credibility, either of which weigh against a finding of maturity pursuant to the statute."

But Judge Smith wasn't the last word on the girl's grades. After he denied her permission to get an abortion, the decision was appealed to the Second District Court of Appeal, where a three judge panel, on a vote of 2-1, approved her petition for judicial waiver of parental consent.

Writing for the majority, Judge Darryl Casanueva found that a 2.0 GPA, which equates to a "C" average, should not have been cited as a disqualifying factor and an indication of the girl's lack of "overall intelligence."

"We observe a 'C' average demonstrates average intelligence for a high school student," Judge Casanueva wrote.

And her contention that she was getting “B’s” does not mean that she could still have an overall “C” average, the judge wrote.

“And a ‘C’ average or the making of ‘Bs’ demonstrates an appropriate level of intelligence,” the judge wrote. “Additionally, the record establishes that (the teenager) read and understood health materials on the website of the facility she intended to use for her medical procedure.

“The petitioner demonstrated sufficient intelligence and education to read and discuss the information.”

Writing in dissent, appellate Judge John Stargel wrote that the trial judge’s decision to deny the teen an abortion should have been allowed to stand.

And he points out that Smith bolstered his argument by pointing out the grammatical mistakes made by the teen in her petition to the court.

“The trial court notes that there are two misspellings and serious grammatical problems in the two sentences she wrote in her petition,” Stargel wrote, “and in paragraph six of the order the court notes the minor was unable to spell the seven-letter name of her former employer correctly.”

(The “serious grammatical problems” the judge noted was that the girl wrote she was “way to young” instead of “way too young” and that her job “don’t pay enough,” instead of “doesn’t pay enough.”) Who knew that grammar counts when it comes to men making decisions about female reproductive rights? ✓

It’s also worth pondering this nexus between grade-point averages and permission to get an abortion.

The initial finding in this case was that a “C” average in high school is an indication that you’re not smart enough to get an abortion. And that those with “C” averages or lower – the girls least poised for success – ought to be compelled to become mothers of unwanted children.

Or to put it in its most crude terms: We’ll grant abortions to the smart girls, but make the stupid ones become mothers.

There’s a real disconnect here, as evidenced by U.S. Sen. Ron Johnson of Wisconsin, an anti-abortion-rights Republican legislator, who said this week that the government shouldn’t fund child care for poor children.

“People decide to have families and become parents,” Johnson said in a radio interview. “That’s something they need to consider when they make that choice.

“I’ve never really felt it was society’s responsibility to take care of other people’s children.” fcerafino@gannett.com
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