



Nevada Court Considers Ordering Abortion

[LifeSiteNews](#) reported on November 1 that Elizabeth Bauer, a 32-year-old woman who had been born in Costa Rica and was adopted by Amy and William Bauer 20 years ago and brought to America, along with five siblings, may be ordered by a state court in Reno, Nevada, to have abortion. Elizabeth has been disabled as a result of fetal alcohol syndrome. She has an IQ of 42 and is prone to seizures. When Elizabeth turned 18, because of her disabilities, the courts awarded her adoptive parents permanent guardianship of the woman in 1998.



She was placed by them in a group home for disabled adults, Chrysalis. As she grew older, she had a history of leaving the facility and going to truck stops and casinos. Elizabeth had sexual relations with men during these times. She became pregnant, but she is not certain exactly when she became pregnant or the identity of the father of her unborn child. Staff at Chrysalis suspect that Elizabeth had sex in exchange for money, which she used to gamble at the casino. Whether or not Elizabeth allowed the sex or not, because of her mental disability she lacked the legal capacity to consent to sex, so she was a victim of statutory rape.

As soon as staff at Chrysalis became aware of her pregnancy, they contacted the Bauers, who are devout Catholics and did not consent to an abortion. Her parents did, however, find six different good families who would be willing to adopt Elizabeth's baby and give the child the chance for a normal life.

They took Elizabeth to see her neurologist, Dr. William Torch, in an effort to find out what needed to be done to protect the unborn child from her mother's seizures during the pregnancy. The doctor was concerned that Elizabeth might have been sexually abused, so he contacted Adult Protective Services. Soon after that, the Bauers were directed to appear before the court, without any notice about the reason for the appearance or the presence of legal counsel. The couple thought little of it at the time because each year they provided the court with an "informal status conference" regarding their daughter, which Mr. Bauer had prepared but not yet had notarized.

Only after they were in court did the Bauers realize that the hearing involved much more than the annual report. Washoe County District Judge Egan Walker asked the Bauers about Elizabeth's pregnancy and whether they were planning to order an abortion. When the couple responded that their Catholic faith did not allow for abortion, the judge curtly responded, "I have inherent authority to [override your wishes] because the court appointed the guardians and they are agents of the court."

Their attorney, Jason Guinasso, however, believes that the judge is misreading the law: "There are no statutes that give this Court or Washoe County the authority to compel Elisa to have an abortion. Such decisions are left to the sound discretion of the duly appointed guardians." Guinasso has said he knows of only one similar case and that involved a Massachusetts judge who ordered a mentally ill 31-year-old woman to have an abortion and to be sterilized against her wishes.

Judge Walker appointed a guardian ad litem (or a guardian for the specific purpose of representing



Written by [Bruce Walker](#) on November 9, 2012

Elizabeth for this litigation), and he explained to her parents: “Oh, that has nothing to do with your guardianship rights. It’s just so that while the court is in session, he can talk to Elizabeth about what her wishes are, and do research.” But the judge also then appointed an attorney to represent the interests of Elizabeth.

There have been four court hearings since that first one, and Elizabeth’s mother has said that the doctors are pushing for Elizabeth to have an abortion. The case has been up for review by higher courts, and on November 6 the Nevada Supreme Court allowed the lower court to continue with the case; however, the decision was limited to continuing an examination of the issues. The Nevada Supreme Court stated:

The purpose of the evidentiary hearings at this time is merely to obtain information in order to make well-reasoned and informed decisions regarding the ward’s medical care. Under these circumstances, we conclude that the district court has not exceeded its jurisdiction or arbitrarily or capriciously exercised its discretion.

Elizabeth’s neurologist has testified that the pregnancy constitutes no threat to the pregnant mother’s health and that she can continue to safely carry the baby. He also has noted that Elizabeth has been seizure free for five years.

The next hearing is November 14, and Elizabeth’s parents are scheduled to testify at that hearing, along the staff at Chrysalis and one of the couples willing to adopt Elizabeth’s unborn baby when — and if — the child is allowed to come into the world.

The mother is doing fine. The baby has a good home waiting, with a family that wants the child. The mother’s own parents, who obviously love their daughter, do not want her compelled to have an abortion. One might think that legally and morally the issue was very clear, but apparently Judge Walker thinks otherwise.



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