

Pro-Life Victory: Nevada Lets Mentally Disabled Woman Keep Baby

A Nevada court Wednesday refused to force a mentally disabled woman to undergo an abortion against her and her parents' will. Alliance Defending Freedom found legal representation for the parents and their daughter, Elisa Bauer, through its allied attorney network last month and began providing funding for their case after doctors went to court in an attempt to force Bauer to have an abortion.

"No woman should be forced to abort a baby against her will," said ADF Lead Counsel Jason Guinasso, who represents the Bauer family. "Neither Elisa nor her parents want to kill this baby, and the government would have been completely out of bounds to force them to. I am grateful to Alliance Defending Freedom for all of their support in helping to bring about this positive outcome."

"The court has done the right thing in respecting the will of Elisa and her parents," added Catherine Glenn Foster, ADF litigation counsel. "The Bauers are caring, loving parents and fit, legal guardians. There is no legitimate basis for their voices to be ignored. Every innocent life deserves to be protected."

William and Amy Bauer of Fernley, Nev., adopted Elisa and five other children from Costa Rica 20 years ago. All of the children were siblings and had fetal alcohol syndrome. Elisa, age 32, is the second-oldest child, is mentally challenged and has epilepsy. Her parents are her legal guardians, though she lives in a group home as a ward of the state because of her condition. William Bauer is the rector of St. Columba's Church, which recently lost its building by arson.

After Elisa became pregnant in August, she and her parents arranged for a private adoption. Six qualified couples have expressed great interest in adopting the baby; however, two doctors at Elisa's group home took her and her parents to court in an attempt to force her to have an abortion instead.

The district judge took the unprecedented step of ordering evidentiary hearings to determine if Elisa should be forced to undergo an abortion even though her parents are fit and legal guardians. Because no statutes give the court or Washoe County authority to override Elisa's legal guardians and compel her to have an abortion, the family took their plight to Alliance Defending Freedom and obtained pro bono legal counsel through Guinasso, who took the matter to the Nevada Supreme Court. The high court declined to stop the hearings, but the district judge ultimately determined not to compel the abortion.

In its order *In the Matter of the Guardianship of Elizabeth Elaine Bauer*, the Second Judicial District Court in Washoe County concluded that Bauer "has the right to voice her desire about such a choice, and we responsible for her care have the obligation to listen and to give effect to her desires when appropriate. ... [I]t is apparent that the risks to either Ms. Bauer or her fetus are not so overwhelming as to compel termination of her pregnancy."