

Congratulations to Jill McNamara, our Bereavement Specialist from Indiana! She worked so hard to help make this happen.

INDIANA PASSES A BILL REGARDING PARENTAL RIGHTS AND CARE OF MISCARRIED REMAINS

Photos courtesy of Governor Mike Pence's office. State of Indiana

Ceremonial signing of House Enrolled Act (HEA) 1190 - Treatment of Miscarried Remains on Wednesday, May 28, 2014 which becomes effective July 1, 2014. The main emphasis of this bill is that mothers will be informed and able to choose the final disposition of their unborn child's remains. Previous to the enactment of this bill a "fetus" less than twenty weeks gestation could be discarded, without notification on final disposition, as surgical waste.



In HEA 1190 Chapter 11 - Sec. 2 it states that a "miscarried **fetus**" means an **unborn Child**, Irrespective of gestational age, who has died from a spontaneous or accidental death before expulsion or extraction from the unborn child's mother, irrespective of the duration of the pregnancy." The bill doesn't boldface and underline the words like I just did, but that is how I've always seen it.

A NOTE FROM JILL:

Before HB 1190 was authored by Representative Hal Slager (R), I provided him with information to explain the need for legislation to provide all mothers with the right to choose the final disposition for their unborn child's fetal remains. During the course of our communication I was asked to provide specific information that I would like to see in the code.

In response to Representative Slager's request and to make sure I hadn't overlooked any important points, I contacted the Thomas More Society. It was at this time I was put into contact with Christina Cook. My connecting with Christina was definitely Divine Intervention because

she had already been working on a paper to support such legislation. Her part in the success of HEA 1190 was very relevant.

I hope you will take the time to read her paper that is referenced in the public relations article provided by the Thomas More Society. (BELOW) This is what she had already been working on before I contacted her. This is why I believe it wasn't a mere coincidence that our path's crossed. I'm sure God was smiling the first time we talked on the phone.

I think God also had something to do with the unknown man who also testified before the Senate last February. From the beginning we had wanted to have a father, who had experienced the death of unborn child, testify with us. However, there weren't any who could make the trip. When I finished with my testimony the Senate chairperson acknowledged a person who standing behind me. The chairperson asked the elderly man if he had signed in and he said he had not. The man, who was dressed in well-worn street clothes; who had not signed in and who no one recognized was still allowed by the Senate chairperson to speak and to provide his testimony. At first, it wasn't clear to any of us whether this man approved or opposed HB 1190. His testimony was emotional. When he said "I don't think we should need this law," we were really confused on the intent of his testimony. That is, until he said "...this is the way it always should have been!" After his testimony was finished all of us we went out into the hall and we looked for the unknown man. He was nowhere to be found. I believe he was an angel and I'm sure God was smiling then too.

Blessings,

Jill McNamara

Bereavement Specialist

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Indiana Becomes 16th State to Pass Miscarriage Burial Legislation

Thomas More Society Intern Aids in Drafting and Passage of New Pro-Life Reform Law

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(June 4, 2014 – Indianapolis) Last week, Indiana Governor Mike Pence held a ceremonial signing at the Indiana State House for HB 1190, a new law that entitles parents in the Hoosier State the right to determine what happens to the body of their miscarried child. The new law requires Indiana health care facilities to inform the parent or parents of that right both verbally and in writing within 24 hours of any miscarriage and also to provide the parents with information regarding counseling that may be available concerning the loss of their child.

Christina Cook, former Thomas More Society intern, was instrumental in the drafting of HB 1190 and participated in the ceremonial signing. Cook first became aware of the issue of miscarriage burial legislation while working at the Thomas More Society last summer, which led her to draft an [article](#) for Loyola University Chicago Law Journal on the topic, slated for publication this year. Cook, who hails from the Indianapolis suburb of Fishers, is currently the Civitas ChildLaw Fellow at Loyola University Chicago School of Law and is expected to earn her Juris Doctor next spring.

“We are very proud that Christina Cook’s very fine work at Thomas More Society has borne fruit in the form of this positive, pro-life reform legislation in her home State of Indiana,” said Brejcha, president and chief counsel of the Thomas More Society. “We hope that more states will follow suit in adopting similar laws that accord due respect to the dignity and humanity of the unborn child and to the rights of grieving parents after a miscarriage.”

According to Cook’s research, Indiana is the sixteenth state to pass legislation requiring health care facilities to notify parents of their right to bury a miscarried child, regardless of gestational age. An additional seven states afford parents the right to bury a miscarried child, but only upon the parent’s request, and many parents remain unaware of their rights in this respect. The remaining 27 states make no explicit mention of parents’ right to notice, nor do they entitle parents to bury or otherwise arrange what happens to the body of their miscarried child, even if they have requested to do so.

Indiana Representative Hal Slager (R) authored the bill in January. Indiana Senator Ed Charbonneau (R) sponsored the bill in the Senate. The legislature passed the bill with a nearly unanimous vote, and Governor Pence officially signed the bill into law, which will become effective on October 1 of this year.

Read Cook’s article about of miscarriage burial legislation

[here: \[https://www.thomasmoresociety.org/wp-content/uploads/2014/06/Miscarriage-of-Justice_Christina-Cook.pdf\]](https://www.thomasmoresociety.org/wp-content/uploads/2014/06/Miscarriage-of-Justice_Christina-Cook.pdf)

About the Thomas More Society

Thomas More Society is a national not-for-profit law firm that exists to restore respect in law for life, marriage, and religious liberty. Headquartered in Chicago, the Society fosters support for these causes by providing high quality pro-bono professional legal services from local trial courts all the way to the United States Supreme Court. For more information, visit www.thomasmoresociety.org.

Please contact me if you have any question about HEA 1190.

Blessings,

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