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SISK

VS.

ROCKY MOUNTAIN PLANNED PARENTHOOD

Deposition

JAMIE SKARVAN

12/11/2014

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1 A Well, this is completed when they make
2 their appointment in the call center.

3 Q Okay.

4 A And then this is completed when they make
5 payment at the health center.

6 Q Okay. So 32 is done through the call
7 center, and then 33 is done when they're making their
8 payment?

9 A Correct.

10 Q And then the rest are the screen shots
11 that you've already indicated you did not see, so
12 we're not going to worry about those.

13 A Okay.

14 Q Other than the information that we've
15 already looked at on Page 19, where you're talking to
16 the patient -- and again, for the purpose of these
17 questions, please just assume it's a minor child,
18 okay?

19 A Okay.

20 Q So other than the information on Page 19,
21 when you're talking to the patient about the process,
22 and then your findings from the ultrasound and their
23 desires, do you have any other conversations with the
24 child about them being pregnant or how that's
25 occurred?

1 A No.

2 Q Do you have any conversations with the
3 child about abuse issues?

4 A Not routinely. If there was any
5 suspicion, then I would thoroughly explore that.

6 Q What kinds of things would raise a
7 suspicion?

8 A If a patient indicates abuse, discloses
9 abuse, or tells me anything. Or any red flags.
10 Behavior, but that's tricky, because people respond
11 to abuse differently, so there isn't one behavior for
12 somebody who's been abused. Obvious injury would be
13 a reason for me to do an in-depth assessment.

14 Q Okay. Do you perform any type of a
15 vaginal exam while you're checking?

16 A I do a visualization of the external
17 genitalia.

18 Q Is it possible that there is abuse going
19 on without any sign of injury to the external
20 genitalia?

21 A Yes.

22 MR. RAMEY: Objection to form of the
23 question.

24 But go ahead and answer.

25 A Yes.

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1 Q (BY MS. FRANK) Other than the patient
2 telling you, the couple of things we've talked about
3 with signs of injury, how they may behave -- and
4 that's a little vague -- any other red flags that you
5 can think of that might raise a question in your mind
6 about whether or not there is any abuse?

7 A No.

8 Q How about red flags for issues like
9 statutory rape, even though it might be consensual?
10 What might those be?

11 A If a patient tells me that their partner
12 is older or more mature or more experienced, for
13 example. Those are just a few, but . . . I could go
14 on. That would be reason for me to explore more.

15 Q Would you -- if the patient does not
16 volunteer, would you ask?

17 A There are no limitations to what I can
18 ask. If I have suspicion, I would ask.

19 Q Any other kinds of things that might
20 raise your suspicion that there may be issues of
21 statutory rape?

22 A Other than a patient telling me?

23 Q Mm-hmm.

24 A No.

25 Q How about the fact that the patient is

1 13 years old and pregnant? Does that raise a
2 suspicion?

3 A No. In my experience, I've worked with
4 many adolescents that are sexually active
5 consensually with other adolescents, and I've worked
6 with many adolescents who become pregnant as a result
7 of that. So being 13 and pregnant alone is not a red
8 flag.

9 Q Are you aware of any statistics that
10 would indicate that the majority of young teenagers
11 with their first sexual experience under the age of
12 14 are having sex with someone that is older than
13 they are?

14 A I'm not aware of those statistics.

15 Q Has Planned Parenthood ever provided you
16 with any information that would indicate that young
17 teenagers under the age of 14 are more likely than
18 not having sex with older partners?

19 A No.

20 Q Did you have an opportunity to -- let me
21 start that again.

22 In your work at Planned Parenthood would
23 you see the patients at any time before they come to
24 you for the ultrasound?

25 A No, not routinely.

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1 A Yes.

2 Q Tell me what that training was. What did
3 they teach you?

4 A Parental notification is mandatory in the
5 state of Colorado, has to be done by certified letter
6 48 hours before the procedure; or a parent
7 accompanies the minor to the clinic, and there's a
8 form that you can sign in the clinic; or judicial
9 bypass.

10 Q Is there a provision for not doing the
11 notification if there is a medical emergency?

12 A No.

13 Q Do you have knowledge of what document
14 provides that a parent can come to the clinic rather
15 than receiving 48 hours of -- a mailed letter from
16 48 hours of notification?

17 MR. RAMEY: I'm going to object to form
18 of the question.

19 You can go ahead and answer if you can.

20 A It's in this chart.

21 Q (BY MS. FRANK) Okay. If you can show me
22 what's in the chart.

23 A Form Number 8.

24 Q Okay. And that's a document that is
25 entitled Certificate of Notification; is that

1 particular form?

2 A I wouldn't have seen it.

3 Q When you are performing ultrasounds on
4 minors, is your process of the whole procedure any
5 different if the child is 13 versus 15?

6 A The procedure would not change.

7 Q How about your interaction with that
8 child? Would there be a difference in your
9 discussion or your interaction with the child if
10 they're 13 versus 15?

11 A Every patient is different, so it's
12 individual. Every patient, I would -- I let the
13 patient guide the conversation using open-ended
14 questions. And so I would communicate the same way
15 with a 13-year-old as I would a 15-year-old.

16 Q How about 13 versus 17?

17 A Yes. I would communicate the same with
18 every patient.

19 Q Did Planned Parenthood provide you with
20 any training regarding the mandatory reporting laws
21 regarding child abuse?

22 A Yes.

23 Q Okay. Could you give me an idea of
24 what -- first, the format before the content. How
25 was that given to you; do you recall?

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1 Parenthood, Planned Parenthood does not file a
2 mandatory report that should be made, is it likely
3 that that patient will then return to the rapist at
4 home?

5 MR. RAMEY: Objection to form of the
6 question on multiple grounds.

7 A I don't know.

8 Q (BY MS. FRANK) Okay. If you could take
9 a look at Exhibit 3, please. Do you recall if
10 Planned Parenthood ever provided this particular
11 document to you during any of your training or
12 in-service?

13 A I don't know if I've seen this.

14 Q I will represent to you that, as you can
15 see on the top, it's a document created by Planned
16 Parenthood, from their logo at the top. If you could
17 take a look at Page 836, please, just the next page.
18 On the left-hand column, the second bullet point, it
19 says, "Teenage girls with older partners are more
20 likely to become pregnant than those with partners
21 closer in age." Do you agree with that statement or
22 disagree?

23 A Not in my experience. I have not seen
24 that to be true.

25 Q Under the mandatory reporting laws, are

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1 there times when mandatory reports need to be made
2 solely based on the age of the sexual participants?

3 A Yes.

4 Q And could you give me an example of --
5 well, tell me what that is, from your knowledge.

6 A 17 and under, if the victim is 14 or
7 younger and the actor is four or more years older.
8 15 or 16, the victim's 15 or 16, and the actor is ten
9 or more years older.

10 (Deposition Exhibit 19 was marked.)

11 Q (BY MS. FRANK) I'm going to hand you
12 what I've just marked as Exhibit Number 19. And
13 again, I would represent to you that that is a
14 document that was provided to us by Planned
15 Parenthood. You can see the number at the bottom,
16 the PPRM 155. Is that -- if you take a look at that
17 mid section, What must be reported, is that
18 consistent with your understanding of the reporting
19 law that you've just described when the reporting is
20 done solely based on age?

21 A Yes.

22 Q If Planned Parenthood had a policy that
23 was contrary to the well-being of a minor child,
24 which would take precedence?

25 MR. RAMEY: I'm going to object to the

1 Q Got it?

2 A Yes.

3 Q Okay. And Page 109, please.

4 A Okay.

5 Q With me?

6 A I am.

7 Q Okay. The heading is The Partner Looks A
8 Lot Older.

9 A Mm-hmm.

10 Q That first bullet point -- and again,
11 this, I will represent to you, is a document that we
12 received from Planned Parenthood indicated by the
13 PPRM Bates numbers in the lower right corner. First
14 bullet point reads, "PPRM policy is to Not ask
15 partner's age." Did I read that correctly?

16 A Yes.

17 Q If it is Planned Parenthood's policy to
18 not ask the age of a partner, how could you report --
19 how could you complete your mandatory reporting
20 solely based on the age of the partner, the
21 discrepancy in the ages between the two sexual
22 partners, if it is Planned Parenthood's policy not to
23 ask?

24 A As a mandatory reporter, there are no
25 limitations to what I can ask. And if I have any

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1 suspicion of abuse at all, I can ask that and would.

2 Q And the factors that might raise your
3 suspicion of abuse, we've talked about today?

4 A Yeah. We discussed that. Or if you saw
5 a partner that appeared much older, then I could ask.

6 Q Tell me what you think that you would be
7 looking at to determine that it's a child's partner
8 that's much older. What do you think you're seeing?

9 A I don't know.

10 Q Do you know why Planned Parenthood has a
11 policy not to ask the age of the partner?

12 A I don't know.

13 Q Did Planned Parenthood ever give you
14 instruction that you should not ask the age of a
15 partner?

16 A No.

17 Q But Exhibit 15, you believe, is one of
18 the document that you were given during your
19 training?

20 A (Deponent nodded.)

21 Q Is that correct?

22 A Correct.

23 Q Do you know if there is anywhere in the
24 law, not Planned Parenthood's policy, but in the law,
25 that indicates that you do not have to ask the age of

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1 the sexual partner when you're dealing with a minor?

2 A Is -- can you rephrase that? I
3 apologize.

4 Q Sure. Do you know if there is any part
5 of the law that indicates that you do not have to ask
6 the age of the sexual partner when you're dealing
7 with a minor?

8 A No.

9 Q Could you take a look at Exhibit 5,
10 please. Are you familiar with the group
11 childtrends.org at all?

12 A Hmm-mm.

13 Q That's who put out this publication.
14 Have you ever heard of them?

15 A No.

16 Q If you could take a look with me, please,
17 at the -- it's on the left-hand side. Do you see
18 that Figure 2 box?

19 A (Deponent nodded.)

20 Q Go just below that where it says
21 Figure 3, Statutory Rape By Age At First Sex. Are
22 you with me?

23 A Mm-hmm. I am.

24 Q Where that first paragraph reads,
25 "Figure 3 shows that the youngest sexually