

THIRD JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 2006-02

JUDICIAL WAIVER OF PARENTAL NOTICE OF TERMINATION OF PREGNANCY

Whereas, the Parental Notice of Abortion Act, section 390.01 114, Florida Statutes, (the "Act") provides that a minor may petition the court for a waiver of the requirement that she give her parents, or legal guardian, notice of her intent to terminate a pregnancy; and

Whereas, proceedings for a judicial waiver of parental notice of termination of pregnancy are subject to Rules of Juvenile Procedure 8.800, 8.805, 8.810, 8.815, 8.820, and 8.835; and

Whereas, it is necessary for the Chief Judge of the Third Judicial Circuit to ensure prompt disposition of these petitions;

It is therefore **ORDERED** as follows:

- I. Filing
 - A. A petition filed pursuant to the Act may be filed in any circuit court in the Third Judicial Circuit by a petitioner who resides within the jurisdiction of the First District Court of Appeal. Such petitions shall be assigned to the juvenile dependency division of the circuit court. In Columbia County, the petitions shall be heard by the Administrative Judge for the Family Division. In Dixie, Hamilton, Lafayette, Madison, Taylor, and Suwannee Counties, the petitions shall be heard respectively by the family division judges assigned to those counties. The assigned judge shall make every reasonable effort to comply with the goal of "one family-one judge," within the constraints of the Act.
 - B. A petition may be filed under a pseudonym or initials if it is filed simultaneously with a sworn statement containing the minor's true name, date of birth, address, and the case number. The original sworn statement shall be kept under seal at all times, and may be opened only at the minor's request or by court order.
 - C. In order for notices to be provided to the minor in a safe and secure manner, the minor shall elect to receive notice through the address and telephone number of a trusted third person, or by contacting the clerk's office personally. If the minor elects to contact the clerk's office personally, she still must provide an address and telephone number of a third party through whom she can receive notices if the court must provide notice at a time, or in a manner, that does not depend upon her to contact the clerk's office personally.

- D. When a petition has been filed, the clerk shall open a file and assign a new case number, provide the minor with a certified copy of the minor's Sworn Statement of True Name and Pseudonym, and provide the minor with the Advisory Notice to Minor.
- E. The clerk shall immediately present the petition to the court for scheduling of the hearing and appointment of counsel, if requested. The clerk shall then provide notice of the hearing to the minor. If it is not possible for the clerk to provide immediate notice at the time the minor files the petition, the clerk shall provide notice through the method elected by the minor in the petition.
- F. No filing fees or court costs shall be required of any pregnant minor who files a petition pursuant to the Act.

11. Hearing

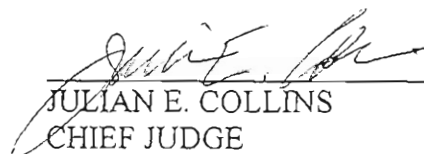
- A. The judge shall advise the minor that she has a right to court-appointed counsel, and shall provide her with counsel upon her request, at no cost to her.
- B. The judge shall conduct an informal hearing on the petition, and shall make a ruling with **written** findings of fact and conclusions of law within 48 hours of the filing of the petition, including weekends and holidays. The 48-hour time limit may be extended at the request of the minor. If no order is entered within the 48-hour period and an extension has not been requested, the petition is deemed granted.
- C. If it is necessary to conduct a hearing on a weekend or holiday in order to comply with the time requirements of the Act, the duty judge will conduct such hearings at the time of first appearances and juvenile detention hearings; however, hearings conducted pursuant to the Act shall be held separately from any other hearings.
- D. All hearings conducted pursuant to the Act shall be recorded, and the court must provide for a written transcript of all testimony and proceedings.
- E. In the event the assigned judge is absent or otherwise unable to conduct the hearing within the time requirement of the Act, the assigned judge, with the assistance of court administration, will arrange for the hearing to be conducted by another circuit judge. General magistrates may not conduct such hearings.

- F. All hearings conducted pursuant to the Act shall be closed to the public, and all records of the case shall remain confidential.
- G. The judge shall hear evidence relating to the emotional development, maturity, intellect, and understanding of the minor, and all other relevant evidence.
- H. The judge shall consider the following issues when raised in the petition, and shall find and decide whether:
1. The minor is sufficiently mature to decide whether to terminate her pregnancy, based on clear and convincing evidence;
 2. The minor is a victim of child abuse or sexual abuse by one or both of her parents or a guardian, based on a preponderance of the evidence; or
 3. That notification of a parent or guardian is not in the best interest of the minor, based on a preponderance of the evidence.
- I. At the conclusion of the hearing, the judge shall issue written and specific findings of fact and conclusions of law in support of his or her decision, and shall order that a confidential record be maintained.
- J. If the judge fails to rule within the 48-hour period required by the Act, and if an extension has not been requested by the minor, the petition shall be deemed granted. The clerk shall provide the minor with a Certificate Granting Waiver of Parental Notice of Termination of Pregnancy Due to Time Expiration.
- K. No county shall be obligated to pay the salaries, costs, or expenses of any counsel appointed pursuant to the Act.

III. Forms

Forms for pleadings, orders, and documents referenced above are provided separately with this order. The forms may be modified independently of this order if changes are made by statute, rule, case law, or as directed by the Chief Judge.

ORDERED on the 9th day of Jan. 2006.



JULIAN E. COLLINS
CHIEF JUDGE

This certifies copies were furnished

On: 1-12-06

To: All Judges + Clerks

By: LISA