

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA

Administrative Order No. 2017- 009
(Supersedes Administrative Order 2006-02¹)

**IN RE: JUDICIAL WAIVER OF PARENTAL
NOTICE OF TERMINATION OF PREGNANCY**

WHEREAS, the Parental Notice of Abortion Act, section 390.01114, 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, 8.835, and 8.840; 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 as directed by the current General Assignment Order. 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 the minor's initials if it is filed simultaneously with a sworn statement (Form 8.988) containing the minor's true name, date of birth, address, and the case number. A certified copy of this Sworn Statement of True Name and Pseudonym shall be given to the minor at the time it is filed. 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 either 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

¹ This Administrative Order is rendered necessary due to changes to the statute and applicable rules of procedure.

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.

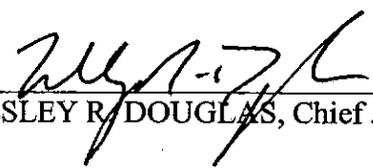
- D. When a petition has been filed, the clerk shall open a file and assign a new case number, provide the minor with a certified copy of the minor's Sworn Statement of True Name and Pseudonym (Form 8.988), and provide the minor with the Advisory Notice to Minor (Form 8.989).
- E. The clerk shall immediately 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.

II. HEARING.

- A. All hearings conducted pursuant to the Act shall be recorded, and the court must provide a written transcript of all testimony and proceedings. All hearings shall also be closed to the public, and all records of the case shall remain confidential. Persons other than the minor may be permitted to attend the hearing at the request of the minor. The court shall advise all persons in attendance that the hearing is confidential.
- B. 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.
- C. 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, shall arrange for the hearing to be conducted by another circuit judge. General magistrates may not conduct such hearings.
- D. The judge shall conduct a hearing on the petition and shall make a ruling within 3 business days of the filing of the petition. The 3-business-day time limit may be extended at the request of the minor. If no order is entered within 3 business days and an extension has not been requested, the minor may immediately thereafter petition the chief judge of the circuit for a hearing. The chief judge must ensure that a hearing is held within 48 hours after receipt of the minor's petition for hearing, and an order must be entered no later than 24 hours after the hearing.
- E. The judge shall hear evidence relevant to make the necessary findings based on the factors listed in section 390.01114(4)(c), Florida Statutes.

- F. The judge shall consider the following issues when raised in the petition and shall find and decide whether:
- i. The minor is sufficiently mature to decide whether to terminate her pregnancy, based on clear and convincing evidence;
 - ii. 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
 - iii. That notification of a parent or guardian is not in the best interest of the minor, based on clear and convincing evidence.
- G. 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, including findings of fact and conclusions of law relating to the maturity of the minor, and order that a confidential record be maintained.
- H. In the event the minor appeals a determination by the court, and the appellate court remands the matter to the trial court, the court must enter its ruling within 3 business days after the remand.
- I. No county shall be obligated to pay the salaries, costs, or expenses of any counsel appointed pursuant to the Act.

DONE in Chambers, in Columbia County, Florida, on December 4, 2017.



WESLEY R. DOUGLAS, Chief Judge

ORIGINAL: *Clerk of Court*

COPIES TO: *All Third Circuit Judges*
Clerks of Court, Third Judicial Circuit
Sondra Lanier, Court Administrator

This certifies copies were

furnished on: 12-5-17

By: 