

IN THE THIRD JUDICIAL CIRCUIT OF FLORIDA

Administrative Order No. 2021-006
(Supersedes Administrative Order 2017-09¹)

**IN RE: JUDICIAL WAIVER OF PARENTAL
CONSENT TO OR NOTICE OF AND CONSENT
TO TERMINATION OF PREGNANCY**

WHEREAS, the Parental Notice of and Consent for Abortion Act, section 390.01114, Florida Statutes, (the "Act") provides that a minor may petition the court for a waiver of parental consent to or notice of and consent to termination of a pregnancy; and

WHEREAS, proceedings for a judicial waiver of parental consent to or notice of and consent to termination of pregnancy are subject to Rules of Juvenile Procedure 8.800, 8.805, 8.810, 8.815, 8.820, 8.825, 8.830, 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 always be kept under seal 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 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

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

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 subsections (c) and (d) of section 390.01114(6), 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. The Court shall provide for a written transcript of all testimony and proceedings as provided by law.
- I. 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.
- J. No county shall be obligated to pay the salaries, costs, or expenses of any counsel appointed pursuant to the Act.

III. FORMS.

Attached are the approved forms for use in the Third Judicial Circuit.

- Petition for Judicial Waiver of Parental Consent to or Notice of and Consent to Termination of Pregnancy
- Sworn Statement of True Name and Pseudonym
- Advisory Notice to Minor
- Minor's Petition to Chief Judge to Require a Hearing on Her Petition for Judicial Waiver of Consent or Notice and Consent
- Notice of Appeal and Advisory Notice to the Minor

DONE in Chambers, in Columbia County, Florida, on June 3, 2021.


MARK E. FEAGLE, Chief Judge

Original: Columbia County Clerk of Court
Copies to: All Third Circuit Judges
Clerks of Court, Third Judicial Circuit
Charles Hydovitz, Court Administrator

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

IN THE INTEREST OF:

CASE NO.: _____

_____,
{pseudonym or initials of minor}
Minor.

_____ /

**PETITION FOR JUDICIAL WAIVER OF PARENTAL CONSENT TO OR NOTICE OF
AND CONSENT TO TERMINATION OF PREGNANCY**

I certify that the following information is true and correct:

(1) The pseudonym or initials of the minor (is/are) _____, and the minor has filed a Sworn Statement of True Name and Pseudonym with the Clerk of Court.

(2) The minor is _____ years old.

(3) The minor is pregnant and parental notice or consent has not been waived.

(4) The minor desires to terminate her pregnancy without ___ notice ___ consent or ___ consent and notice (check which applies) to a parent or legal guardian for one or more of the following reasons:

(check all that apply)

The minor is sufficiently mature to decide whether to terminate her pregnancy, for the following reason(s):

The minor is a victim of child abuse or sexual abuse inflicted by one or both of her parents or a legal guardian.

Notification of a parent or guardian is not in the best interest of the minor, for the following reason(s):

(5) The minor requests that the court enter an order authorizing her to consent to the performance or inducement of a termination of pregnancy without notification of a parent or guardian.

(6) The minor requests the appointment of an attorney to represent her in this matter:
(check one)

- Yes
- No

(7) The minor elects the following method or methods for receiving notices of hearings or other court actions in this case:

- Through a third party, whose name is _____, and whose address and phone number for purposes of notice are _____

- The minor will contact the office of the Clerk of Court at the following phone number:

I understand that by signing this form I am swearing to or affirming the truthfulness of the claims made in this petition and that the punishment for knowingly making a false statement includes fines, imprisonment, or both.

Signature

Date

You may sign a name other than your true name, such as Jane Doe or other pseudonym under which your petition is being filed.

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

IN THE INTEREST OF:

CASE NO.: _____

{pseudonym or initials of minor}

Minor.

_____/

SWORN STATEMENT OF TRUE NAME AND PSEUDONYM

NOTICE TO THE CLERK OF COURT:

A CERTIFIED COPY OF THIS DECLARATION WITH THE CASE NUMBER NOTED ON IT SHALL BE GIVEN TO THE MINOR AFTER SHE SIGNS IT.

THE ORIGINAL SHALL IMMEDIATELY BE PLACED IN A SEALED ENVELOPE WHICH SHALL BE FILED UNDR SEAL AND KEPT UNDER SEAL AT ALL TIMES.

(1) My true name is _____ and my address is _____

(2) My date of birth is _____

(3) I have filed a Petition for Judicial Waiver of Parental Consent to or Notice of and Consent to Termination of Pregnancy under the name or initials of _____ on _____.

I understand that by signing this form I am swearing to or affirming the truthfulness of the information herein and that the punishment for knowingly making a false statement includes fines, imprisonment or both.

Signature

Date

You must sign your true name.

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

IN THE INTEREST OF:

CASE NO.: _____

{pseudonym or initials of minor}

Minor.

_____ /

ADVISORY NOTICE TO MINOR

YOU ARE NOTIFIED as follows:

YOUR CASE NUMBER APPEARS AT THE TOP OF THIS FORM. KEEP IT IN A SAFE PLACE. YOU CANNOT GET INFORMATION FROM THE CLERK WITHOUT YOUR CASE NUMBER.

YOU HAVE BEEN GIVEN A COPY OF THE SWORN STATEMENT YOU SIGNED WITH YOUR TRUE NAME. KEEP IT IN A SAFE PLACE. YOU MAY NEED TO SHOW IT AND THE FINAL JUDGMENT IN YOUR CASE TO YOUR DOCTOR BEFORE TERMINATING YOUR PREGNANCY.

All information in your case is confidential. No papers will be sent to your home, and you will be contacted by this Court only through the method you elected in the petition. Your name will not be on your court papers.

If you would like an attorney to help you with your case, the Court will appoint one for you at no cost to you. Your attorney will receive notices about your case so he or she can prepare for and attend hearings with you. You may also name someone else you trust to receive notices for you. You can also contact the Clerk of Court yourself to check on your case.

You have a right to a hearing and a decision on your case within 3 business days of filing your petition unless you or your attorney waives this right or asks for an extension of time. If this time limit is not met, you have the right to ask the clerk for a form that will allow your doctor to perform a termination of pregnancy without notifying a parent.

If the Court dismisses your petition, you have the right to appeal. You will be given information regarding how to proceed with an appeal, and if you would like an attorney to help you with an appeal, you may request that the Court appoint one.

I certify that I have given a copy of this advisory form to the minor.

Dated: _____

Clerk of Court / Deputy Clerk

County Courthouse

_____, Florida.

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

IN THE INTEREST OF:

CASE NO.: _____

_____,
{pseudonym or initials of minor}
Minor.

_____ /

**MINOR'S PETITION TO CHIEF JUDGE TO REQUIRE A HEARING ON HER
PETITION FOR JUDICIAL WAIVER OF CONSENT OR NOTICE AND CONSENT**

I, _____, hereby petition the Chief Judge of the Third Judicial Circuit for an order directing the judge to whom this case is assigned to hold a hearing within 48 hours after receipt of this petition by the Chief Judge, and requiring the Court to enter an order on my petition for judicial waiver of consent or notice and consent within 24 hours after the hearing.

In support of this petition, I say:

- My petition for judicial waiver of notice was filed with the Clerk on _____
- The third business day from the date of filing my petition was _____
- I have not requested an extension of time for the hearing required to be conducted.
- No hearing has been conducted by the Court within the time required by statute.

WHEREFORE, I ask the Chief Judge to enter an order requiring the hearing on the petition for judicial waiver to be conducted within the next 48 hours and requiring the Court to enter its order within 24 hours after that hearing.

Signature

Date

Time (to be stamped by Clerk)

IN THE CIRCUIT COURT OF THE THIRD JUDICIAL CIRCUIT,
IN AND FOR _____ COUNTY, FLORIDA

IN RE: Petition for a Judicial Waiver of Parental
Consent to or Notice of and Consent to
Termination of Pregnancy:

CASE NO. _____

_____,
(Your Pseudonym or Initials)

Appellant.

_____ /

NOTICE OF APPEAL
(With Advisory Notice to the Minor)

NOTICE IS GIVEN that _____ (*your pseudonym or initials*), appeals to
the First District Court of Appeal, the order of this Court rendered _____ (*enter the
date that the order was filed on the Clerk's docket*). The nature of the order is a Final Order
Dismissing a Petition for a Judicial Waiver of Parental Consent to or Notice of and Consent to
Termination of Pregnancy.

Signature: _____
(as signed on your petition or judicial waiver
if you are representing yourself)

Date: _____

OR

Attorney for _____
(pseudonym or initials of Appellant)

Name: _____

Address: _____

Phone: _____

Email Address: _____

FBN: _____

ADVISORY NOTICE TO THE MINOR

YOU ARE NOTIFIED AS FOLLOWS:

1. You are entitled to appeal the order dismissing your petition for a judicial waiver of parental consent to or notice of and consent to termination of pregnancy. You do not have to pay a filing fee for the appeal.
2. If you wish to appeal, you must file a notice of appeal. A form for the notice of appeal (Fla. R. App. P. 9.900(f)) will be provided to you with the order dismissing your petition. You must fill in every blank on the form with the information requested. If you need assistance with the form, the clerk of the circuit court will help you complete it.
3. You must file the notice of appeal with the clerk of the circuit court where your case was heard. The notice of appeal must be filed within thirty (30) days of the date when the judge's written order dismissing your petition was filed with the clerk of the circuit court. If you do not file your notice of appeal within this time period, your appeal will not be heard.
4. The notice of appeal is the only document you need to file in connection with your appeal. You may file a motion to seek permission to file a brief in your case, or to request oral argument of your case. These motions or any other motions or documents you file concerning your appeal, except the notice of appeal, must be mailed or delivered to the appellate court for filing. The appellate court that will be reviewing your case is:

FIRST DISTRICT COURT OF APPEAL
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Phone: (850) 488-6151

5. You may request a lawyer to represent you in your appeal. You must tell the judge who heard your Petition for Judicial Waiver of Parental Consent to or Notification of and Consent to Termination of Pregnancy that you wish to have a lawyer appointed.