

**IN THE COURTS OF THE FIRST JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER NO. 2005-17

**IN RE: PARENTAL NOTICE OF ABORTION ACT
JUVENILE**

PARENTAL NOTICE OF ABORTION ACT

WHEREAS, the Florida Legislature has approved the Parental Notice of Abortion Act, §390.01114, requiring physicians to notify the parent or guardian of a pregnant minor if the child is seeking to terminate her pregnancy, and providing for judicial waiver of said notice in certain circumstances;

WHEREAS, the Florida Supreme Court has promulgated rules and forms for the purpose of implementing the judicial waiver procedures demanded by the legislation;

WHEREAS, it is necessary to have uniform policies and procedures for the expedited processing of petitions for judicial waiver of parental notice filed under §390.01114 within the First Judicial Circuit, it is

ORDERED that the following guidelines shall govern the policy and procedures of the First Judicial Circuit in addressing petitions filed under the above statute.

1. The Florida Supreme Court has adopted on an emergency basis the attached *Florida Rules of Juvenile Procedure* 8.800, 8.805, 8.810, 8.815, 8.820, 8.825, 8.830, and 8.835 and accompanying forms. Forms provided by the Supreme Court include a sample petition, sample orders, sworn statement, and advisory notice. The Supreme Court has also created a new subdivision (n) of the *Florida Rule of Appellate Procedure* 9.110. These amendments are effective immediately, and are available at www.floridasupremecourt.org. The new rules and forms as promulgated by the Supreme Court remain subject to revision.

In an effort to comply with the new Supreme Court rules, the First Circuit has also created a sample request for extension of time period and a sample order to be used in the event the assigned court does not rule on a petition within 48 hours.

2. The rules as provided by the Florida Supreme Court are adopted as the general policy of the First Judicial Circuit for the processing of petitions filed under the Parental Notice of Abortion Act.

3. Petitions under this act are to be filed in the juvenile division of each circuit. The clerk of the juvenile court holds responsibility for accepting the petition and coordinating with the appropriate judge(s) and judicial assistants in scheduling an expedited hearing. In addition, at

the request of the petitioner, the clerk shall select an attorney from the dependency appointment roster to represent the petitioner. The clerk shall contact the selected attorney and inform them of his or her appointment in the case and the hearing date. The clerk shall also provide the attorney's contact information to the petitioner.

4. Per the statute, magistrates may not hear and rule on petitions for judicial waiver of parental notice. The Court is cognizant of the fact that juvenile judges or counsel may not be immediately available during non-business hours for petition hearings. Therefore, in consideration of the statute, which requires a court to issue a written order within 48 hours of the filing of a petition for waiver of parental notice, if a minor child wishes to file a petition on the day before a weekend or court holiday, she must request an extension of the 48-hour time period. A sample form requesting the extension is attached. The Court remains under an obligation to rule on the petition as soon as practically possible.

5. All proceedings under this statute are to be confidential and all hearings are to be closed to the public. In addition, the Court, by statute, must provide for transcription of all hearings. Because of the expedited nature of the trial court proceedings and appellate proceedings, all hearings must be reported by a court reporter and transcribed within two business days.

6. If the assigned court has not ruled on the petition within 48 hours, the petition is deemed granted by statute. In that event, the clerk shall complete and present the attached "Order on Petition for Judicial Waiver of Parental Notice of Abortion" for the signature of the duty judge. A certified copy of the signed order shall be presented to the minor.

This order shall be effective July 1, 2005.

DONE AND ORDERED at Pensacola, Escambia County, Florida, this 1st day of July, 2005.

Signed by: Kim A. Skievaski, Chief Judge

Attachments

Copies to:

All First Judicial Circuit Judges
Ernie Lee Magaha, Clerk of Escambia County
Don Howard, Clerk of Okaloosa County
Martha Ingle, Clerk of Walton County
Mary Johnson, Clerk of Santa Rosa County
First Judicial Circuit Court Reporters
First Judicial Circuit Conflict Counsel via First Judicial Circuit Website
EscaRosa Bar Association

THIS ADMINISTRATIVE ORDER IS ACCOMPANIED BY ATTACHMENTS THAT ARE NOT COMPATIBLE WITH SCREEN READERS. IF YOU WISH TO OBTAIN A COPY OF THE ATTACHMENTS TO THIS ADMINISTRATIVE ORDER, PLEASE CONTACT COURT ADMINISTRATION AT 850-595-4400.