

EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 6.04

**JUDICIAL WAIVER OF PARENTAL NOTICE OF
TERMINATION OF PREGNANCY**

In order to provide for the prompt disposition of petitions for waiver of the requirement that a minor give her parents or legal guardian notice of her intent to terminate a pregnancy, in accordance with the Parental Notice of Abortion Act, section 390.01114, Florida Statutes (the “Act”), and Rules of Juvenile Procedure 8.800, 8.805, 8.810, 8.815, and 8.820,

IT IS ORDERED:

FILING

1. Petitions filed pursuant to the Act may be filed in any circuit court in the Eighth Judicial Circuit by a petitioner who resides in the circuit. Petitions shall be assigned to the juvenile dependency division of the circuit court. In Alachua County, the petitions shall be heard by the Administrative Judge for the Family Division or his or her designee. In Baker, Bradford, Gilchrist, Levy, and Union Counties, the petitions shall be heard 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.

2. 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.

3. 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 also 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.

4. When a petition is 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.

5. 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.

6. No filing fees or court costs shall be required of any pregnant minor who files a petition pursuant to the Act.

HEARING

7. 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.

8. 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 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 the 3-business-day period and an extension has not been requested, the minor may immediately petition the chief judge for a hearing. The chief judge must ensure that a hearing is held within 48 hours after receipt of the minor's petition and an order is entered within 24 hours after the hearing. If the circuit court does not grant judicial waiver of notice, the minor has a right to appeal.

9. All hearings conducted pursuant to the Act shall be recorded, and the court must provide for a written transcript of all testimony and proceedings.

10. 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.

11. All hearings conducted pursuant to the Act shall be closed to the public, and all records of the case shall remain confidential.

12. The judge shall hear evidence relating to the emotional development, maturity, intellect, and understanding of the minor, and all other relevant evidence.

13. The judge shall consider the following issues when raised in the petition, and must decide whether:

- a. The minor is sufficiently mature to decide whether to terminate her pregnancy, based on clear and convincing evidence; or
- b. 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
- c. That notification of a parent or guardian is not in the best interest of the minor, based on clear and convincing evidence. The best-interest standard does not include consideration of the potential financial impact on the minor or the minor's family if the minor does not terminate the pregnancy.

14. At the conclusion of the hearing, the judge shall issue a written order which contains specific findings of fact and conclusions of law.

15. No county shall be obligated to pay the salaries, costs, or expenses of any counsel appointed by a judge pursuant to the Act.

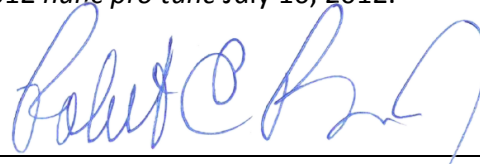
FORMS

16. Forms of an order granting the petition, an order dismissing the petition, and the Clerk's certificate can be found in Florida Rules of Juvenile Procedure 8.900, 8.991, and 8.992 respectively.

17. This Order replaces Administrative Order No. 5.200, titled "Judicial Waiver of Parental Notice of Termination of Pregnancy," entered on October 5, 2005.

This order renumbers and reformats prior Administrative Order No. 5.200(A) entitled "Judicial Waiver of Parental Notice of Termination of Pregnancy."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* July 16, 2012.

A handwritten signature in blue ink, appearing to read "Robert E. Roundtree, Jr.", is written over a horizontal line.

Robert E. Roundtree, Jr., Chief Judge