

RULE 8.805 JUDICIAL WAIVER OF PARENTAL NOTICE OF ABORTION

(a) Petition.

(1) A minor may petition any circuit court in a judicial circuit within the jurisdiction of the District Court of Appeal in which she resides for a waiver of the parental notice of abortion.

(2) The petition may be filed through the use of initials.

(3) The petition must include a statement that the petitioner is pregnant and notice has not been waived.

(b) Filing of Petition.

(1) Upon filing by the minor, the clerk of the court shall immediately take the petition to the assigned Judge, for appointment of counsel for the minor, if she has requested such appointment.

(2) The Court shall hold a hearing in this matter the same day the petition is filed, ensuring the petitioner and her appointed counsel are provided actual notice as soon as the hearing is scheduled.

(c) Waiver of Notice.

(1) The court shall issue an order authorizing the minor to consent to the performance or inducement of a termination of pregnancy without the notification of a parent or guardian if:

(A) the court finds by clear and convincing evidence that the minor is sufficiently mature to decide whether to terminate her pregnancy; or

(B) the court finds by a preponderance of the evidence that there is evidence of child abuse or sexual abuse of the minor by one or both of her parents, or her guardian; or

(C) the court finds by a preponderance of the evidence that the notification of a parent or guardian is not in the best interest of the minor.

(2) When considering the petition, the court shall hear evidence relating to the emotional development, maturity, intellect, and understanding of the minor, and all other relevant evidence.

(3) The court shall provide for a written transcript of all testimony and proceedings.

(4) The court shall issue specific written factual findings and legal conclusions supporting its decision.

(d) Right to Counsel and Waiver of Fees.

(1) The court shall advise the minor that she has a right to court-appointed counsel.

(2) The court shall provide the minor with counsel upon her request at no cost to the minor.

(3) No filing fees or court costs shall be required of any minor who petitions under this rule.

(e) Expeditious Resolution Required.

(1) The court shall rule, and issue written findings of fact and conclusions of law, within 48 hours after the petition is filed.

(2) The 48-hour time limitation may be extended at the request of the minor.

(3) If the court fails to rule within the 48-hour period and an extension has not been requested, the petition is granted, and the notice requirement is waived.

(f) Confidentiality

(1) All hearings shall remain confidential and closed to the public.

(2) All record of the proceedings shall remain confidential.

FORM 8.991 PETITION TO WAIVE NOTIFICATION TO PARENT OR LEGAL GUARDIAN

PETITION TO WAIVE NOTIFICATION TO PARENT OR LEGAL GUARDIAN

I,(Name and address)....., request the court, pursuant to section 390.01114(4), Florida Statutes, to waive the notice requirements of section 390.01114(3), Florida Statutes, and to rule on this petition within 48 hours.

1. I am currently pregnant.
2. Notice to my parent or guardian of my desire to terminate my pregnancy has not been waived.
3. I am under the age of 18, am unmarried, and have not been emancipated pursuant to the laws of Florida or any other state.
4. Check all that apply:
 - I am sufficiently mature to decide to terminate my pregnancy without prior notification to my parent or guardian.
 - I have been abused by one or both of my parents or my guardian.
 - It is not in my best interest to notify my parents or guardian of my decision to terminate my pregnancy.
5. I am also requesting appointment of an attorney to represent me in this matter. I understand the court will appoint an attorney, without cost to me.

WHEREFORE, I request this court waive the notice requirement so that I may terminate my pregnancy, appoint an attorney to represent me (if the box is checked at paragraph 5), and to rule on this petition within 48 hours.

.....(name).....
.....(address).....
.....(phone number).....