

## REFERENCE GUIDE

# JUDICIAL WAIVER OF PARENTAL NOTICE AND CONSENT OR CONSENT ONLY TO TERMINATION OF PREGANANCY

Pursuant to sec. 390.01114(6),  
Florida Statutes and Rules 8.800-  
8.840, Florida Rules of Juvenile  
Procedure



Court Administration  
**7th Judicial Circuit**  
Flagler, Putnam, St. Johns & Volusia Counties

## GENERAL

Pursuant to sec. 390.01114, Florida Statutes, the “Parental Notice of and Consent for Abortion Act” requires physicians performing procedures which terminate pregnancies of certain minors to give notice to and receive consent from parents of the minor. Sec. 390.01114(6), Florida Statutes, permits a minor to petition any circuit court in which the minor resides for a waiver of the notice and consent or consent only requirements and may participate in proceedings on her own behalf.

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## **COURT PROCEEDINGS**

Petitions filed under this section are designated as family law matters pursuant to Administrative Order and are assigned to juvenile dependency judges. If a dependency judge is not available to review and/or hear a petition within 3 business days, the matter is to be delivered to another judge in the family law division for his/her consideration. General magistrates are not authorized to conduct hearings in these matters.

## **RECORD/TRANSCRIPT**

These proceedings are to be digitally recorded and written transcripts of all testimony and proceedings must be produced.

## **PRIORITY**

These proceedings must be given precedence over other pending matters to the extent necessary to ensure that a decision is reached promptly. Hearings are confidential and closed to the public. Hearings are to be held in chambers or in a similarly private and informal setting within the courthouse. Judges must issue a ruling with written findings within 3 business days after a petition has been filed, unless extended at the request of the minor. If a judge fails to rule within 3 business days and an extension has not been requested, the minor may immediately petition for a hearing upon the expiration of the 3-business day period to the Chief Judge, who must ensure that a hearing is held within 48 hours after receipt of the minor's petition and an order entered within 24 hours after the hearing.

## **COUNSEL**

The minor has a right to consult with counsel and shall be advised of her right to court-appointed counsel at no cost.

If counsel is requested/accepted by the minor, a dependency attorney from the conflict attorney registry is to be appointed **at least 24 hours before the court proceeding.** However, if it is determined that no registry attorney is available, the Office of Criminal Conflict and Civil Regional Counsel may be appointed.

No filing fees or court costs are to be assessed.

## **APPEAL**

If the minor's petition is not granted, she may file an expedited appeal . An appellate court must rule within 7 days after receipt of the appeal. If the appellate court remands with further instructions, the trial judge must issue a ruling within 3 business days after the remand.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

SEE sec. 390.01114(6)(c)(d) & (e), F. S. and Rules 8.820 and 8.825,  
Florida Rules of Juvenile Procedure

**SUPREME COURT APPROVED FORMS**  
**(Pursuant to FL Rules of Juvenile Procedure)**

Petition For Judicial Waiver of Parental Notice and Consent or Consent Only to Termination of Pregnancy  
**(Attachment A)** 8.987

Sworn Statement of True Name and Pseudonym  
**(Attachment B)** 8.988

Advisory Notice to Minor  
**(Attachment C)** 8.989

Final Order Granting Petition for Judicial Waiver of Parental Notice and Consent or Consent Only to Termination Of Pregnancy  
**(Attachment D)** 8.990

Final Order Dismissing Petition for Judicial Waiver of Parental Notice and Consent or Consent Only to Termination of Pregnancy  
**(Attachment E)** 8.991

Minor's Petition to Chief Judge for Hearing on Petition for Judicial Waiver of Notice and Consent or Consent Only  
**(Attachment F)** 8.992

Order of Appointment of Counsel (created by circuit)  
**(Attachment G)**

Notice of Appeal 9.900(f)  
**(Attachment H)**

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

In the Interest of \_\_\_\_\_  
(pseudonym or initials of minor)

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

**PETITION FOR JUDICIAL WAIVER OF PARENTAL NOTICE AND CONSENT OR  
CONSENT ONLY 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.
- (2) The minor is \_\_\_\_\_ years old.
- (3) The minor is pregnant and notice has not been waived.
- (4) The minor requests that the court enter an order authorizing her to terminate her pregnancy without

[check which applies]

\_\_\_ notice to and consent from her parents or legal guardian

\_\_\_ consent only from her parents or legal guardian

For one or more of the following reasons

[check all that apply]

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_ c. Notice and consent or consent only from a parent or guardian is not in the best interests of the minor, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (5) The minor requests the appointment of an attorney to represent her in this matter, and the attorney is appointed at no cost to the minor at least 24 hours prior to the hearing:

[check one]:

\_\_\_ Yes, I want an attorney to represent me during the judicial waiver proceedings at no cost to me.

\_\_\_ No, I do not wish to be represented by an attorney.

(6) The minor elects the following method or methods for receiving notices of hearings or other court actions in this case (you may choose more than one option):

[Check all that apply]

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 SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

In the interest of \_\_\_\_\_  
\_\_\_\_\_ (pseudonym or initials of minor)

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

**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 UNDER SEAL AND KEPT UNDER SEAL AT ALL TIMES.

(1) My true name is \_\_\_\_\_, and my address is \_\_\_\_\_  
(print your name)  
\_\_\_\_\_  
(print your address)

(2) My date of birth is \_\_\_\_\_.

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

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.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_  
(You must sign your true name.)



IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

In the interest of \_\_\_\_\_  
(pseudonym or initials of minor)

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

**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 CAN NOT 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 least 24 hours before the court proceeding 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 petition for a hearing upon the expiration of the 3 business day period to the chief judge of the circuit, who must ensure a hearing is held within 48 hours after receipt of your petition and an order is entered within 24 hours after the hearing.

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  
\_\_\_\_\_  
County Courthouse  
\_\_\_\_\_, Florida.

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

In the Interest of \_\_\_\_\_  
(pseudonym or initials of minor)

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

**FINAL ORDER GRANTING PETITION FOR JUDICIAL WAIVER OF PARENTAL NOTICE AND  
CONSENT OR CONSENT ONLY TO TERMINATION OF PREGNANCY**

THIS CAUSE having come before the court on a petition for judicial waiver of parental notice and consent or consent only to termination of pregnancy and the court being otherwise advised in the premises, finds the following:

\_\_\_\_ The minor has proven by clear and convincing evidence that she is sufficiently mature to decide whether to terminate her pregnancy, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

The court has considered the following factors in reaching this decision that the minor is sufficiently mature to decide whether to terminate her pregnancy and makes the following findings:

The minor's age is \_\_\_\_\_.

The minor's overall intelligence indicates \_\_\_\_\_  
\_\_\_\_\_.

The minor's emotional development and stability indicates \_\_\_\_\_  
\_\_\_\_\_.

The minor's credibility and demeanor as a witness indicates \_\_\_\_\_  
\_\_\_\_\_.

The minor's ability to accept responsibility is demonstrated by \_\_\_\_\_  
\_\_\_\_\_.

The minor's ability to assess both the immediate and long-range consequences of the minor's choices is demonstrated by \_\_\_\_\_  
\_\_\_\_\_.

The minor's ability to understand and explain the medical risks of terminating her pregnancy and to apply that understanding to her decision is indicated by \_\_\_\_\_  
\_\_\_\_\_.

Whether there may be any undue influence by another on the minor's decision to have an abortion.  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_ The minor has proven by a preponderance of the evidence that she is a victim of child abuse or sexual abuse inflicted by one or both of her parents or a legal guardian, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

The court, having made a finding under this section, will report the abuse as is required by section 39.201, Florida Statutes.

\_\_\_ The minor has proven by clear and convincing evidence that \_\_\_\_\_ notice and consent or \_\_\_\_\_ consent only from a parent or legal guardian is not in the best interests of the minor, for the following reason(s):

\_\_\_\_\_  
\_\_\_\_\_

THEREFORE, it is ORDERED AND ADJUDGED that:

1. The petition for judicial waiver of parental \_\_\_\_\_ notice and consent or \_\_\_\_\_ consent only to termination of pregnancy is GRANTED.
2. \_\_\_ The minor may consent to the performance or inducement of a termination of pregnancy without notice to a parent or guardian.  
     \_\_\_ The minor may consent to the performance or inducement of a termination of pregnancy but notice to a parent or legal guardian must be provided.
3. The clerk shall keep and maintain a confidential record of these proceedings as provided by law and shall seal the record.

DONE AND ORDERED in \_\_\_\_\_ County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Judge

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

In the interest of \_\_\_\_\_  
(pseudonym or initials of minor)

Case No.: \_\_\_\_\_  
Division: \_\_\_\_

**FINAL ORDER DISMISSING PETITION FOR JUDICIAL WAIVER OF PARENTAL  
NOTICE AND CONSENT OR CONSENT ONLY TO  
TERMINATION OF PREGNANCY**

THIS CAUSE having come before the court on a petition for judicial waiver of parental notice and consent or consent only to termination of pregnancy and the court being otherwise advised in the premises, finds the following:

\_\_\_\_ It was not proven by clear and convincing evidence that the minor is sufficiently mature to decide whether to terminate the pregnancy; specifically, the court has considered the following factors in reaching this decision and makes the following findings:

The minor's age is: \_\_\_\_

The minor's overall intelligence indicates: \_\_\_\_\_  
\_\_\_\_\_

The minor's emotional development and stability indicate: \_\_\_\_\_  
\_\_\_\_\_

The minor's credibility and demeanor as a witness indicates: \_\_\_\_\_  
\_\_\_\_\_

The minor's ability to accept responsibility is demonstrated by: \_\_\_\_\_  
\_\_\_\_\_

The minor's ability to assess both the immediate and long-range consequences of the minor's choices is demonstrated by: \_\_\_\_\_  
\_\_\_\_\_

The minor's ability to understand and explain the medical risks of terminating her pregnancy and to apply that understanding to her decision is indicated by: \_\_\_\_\_  
\_\_\_\_\_

The minor's decision to have an abortion may have been made under any undue influence by another is indicated by: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ It was not proven by the preponderance of the evidence that the petitioner is the victim of child abuse inflicted by one or both of her parents or her legal guardian;

\_\_\_\_ It was not proven by clear and convincing evidence that \_\_\_\_\_ notification of and consent from OR \_\_\_\_\_ consent only from the parent or legal guardian is not in the best interests of the petitioner;

\_\_\_\_ Other: \_\_\_\_\_  
\_\_\_\_\_

THEREFORE, it is ORDERED AND ADJUDGED that:

1. The petition for judicial waiver of parental notice and consent or consent only to termination of pregnancy is DISMISSED.
2. The court shall provide a written transcript of all testimony and proceedings as provided by law.
3. The clerk shall keep and maintain a confidential record of these proceedings as provided by law, and shall seal the record.
4. **THE MINOR HAS THE RIGHT TO APPEAL THIS DECISION.** The clerk shall immediately provide Form 9.900(f) Notice of Appeal of an Order Dismissing a Petition for Judicial Waiver of Parental Notice and Consent or Consent Only to Termination of Pregnancy and Advisory Notice to Minor to the minor or petitioner if other than the minor. .

DONE AND ORDERED in \_\_\_\_\_ County, Florida this \_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_.

\_\_\_\_\_  
Judge

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

In the Interest of \_\_\_\_\_  
(pseudonym or initials of minor)

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

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

I \_\_\_\_\_ hereby petition the chief judge of this 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 wavier of notice and consent or consent only within 24 hours after the hearing.

In support of this petition, I say:

My petition for judicial waiver of notice and consent or consent only was filed with the Clerk on \_\_\_\_\_.  
(date)

The third business day from the date of filing my petition was \_\_\_\_\_.  
(date)

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, SEVENTH  
JUDICIAL CIRCUIT, IN AN FOR  
\_\_\_\_\_ COUNTY, FLORIDA

In the Interest of:

Case No.: \_\_\_\_\_

\_\_\_\_\_  
(pseudonym or initials of minor)

**ORDER OF APPOINTMENT OF COUNSEL FOR MINOR CHILD FOR  
JUDICIAL WAIVER OF PARENTAL NOTICE AND CONSENT OR  
CONSENT ONLY TO TERMINATION OF PREGNANCY**

THIS CAUSE having come before this Court upon the Petition for Judicial Waiver of Parental Notice and Consent or Consent Only to Termination of Pregnancy and the Court being fully advised in the premises and due to the request by the minor child for representation of counsel, it is, therefore

ORDERED AND ADJUDGED that \_\_\_\_\_, Esquire, is appointed as attorney of record for the minor child in the above-referenced case.

DONE AND ORDERED in \_\_\_\_\_ County, Florida this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
JUDGE

Copies to:  
Minor  
Counsel for Minor

“ATTACHMENT G”

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

In re: Petition for a Judicial Waiver of  
Parental Notice and Consent or Consent Only to  
Termination of Pregnancy

Case No.: \_\_\_\_\_

**NOTICE OF APPEAL**

\_\_\_\_\_  
(Your pseudonym or initials)

Appellant.  
\_\_\_\_\_ /

NOTICE IS GIVEN that \_\_\_\_\_, appeals to the Fifth District Court  
(your pseudonym or initials)  
of Appeal, the order of this court rendered \_\_\_\_\_. The nature of  
(enter the date that the order was filed on clerk's docket)  
the order is a final order dismissing a petition for a judicial waiver of parental notice and consent  
or consent only to termination of pregnancy.

Signature: \_\_\_\_\_  
(as signed on your petition for  
judicial waiver if you are  
representing yourself)  
Date: \_\_\_\_\_

OR

\_\_\_\_\_  
Attorney for \_\_\_\_\_  
(pseudonym or initials of appellant)  
(address, email address, and phone  
number of attorney)  
Florida Bar No. \_\_\_\_\_



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 notice and consent or consent only 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 with the circuit court in which your case was heard. 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, or electronically filed with the appellate court. The appellate court that will be reviewing your case is:

The \_\_\_\_\_ District Court of Appeal  
\_\_\_\_\_  
(address of the District Court)  
Telephone number: \_\_\_\_\_

(Note: The clerk of the circuit court will fill in the blanks above with the appropriate court information).

5. You may request a lawyer to represent you in your appeal. You must tell the judge who heard your petition for a judicial waiver of parental notice and consent or consent only to or notification of and consent to termination of pregnancy that you wish to have a lawyer appointed.